Section V

Responses to Comments

FEDERAL AGENCIES

Comment Responses

U.S. Environmental Protection Agency (EPA), August 19, 2004

EPA-1 Comment noted.

EPA-2 Responses to the detailed comments addressing the issues raised are provided below.

EPA-3a The Department of the Interior (DOI) recognizes EPA's interest in addressing a planning area that addresses "the entire Colorado River ecosystem." It is appropriate to address areas within the Colorado River Basin in distinct, yet complementary programs as Congress has previously directed. For example, the Upper Colorado and San Juan River Basins Endangered Fish Recovery Programs operate within the Colorado River Basin states of Colorado, Utah, New Mexico, and Wyoming (see Pub. L. No. 106-392, 114 Stat. 1602, Oct. 30, 2000). Likewise, the Glen Canyon Dam Adaptive Management Program addresses areas within the Colorado River Basin in the Grand Canyon National Park and Glen Canyon National Recreation Area pursuant to the Grand Canyon Protection Act of 1992 (see Pub. L. No. 102-575, 106 Stat. 4600, Tit. XVIII, Oct. 30, 1992). The Lower Colorado River Multi-Species Conservation Plan (LCR MSCP) is designed to address operations of facilities authorized by the Boulder Canyon Project Act of 1928 and other related downstream activities.

Establishing a single program for the entire "Colorado River ecosystem," that includes over 244,000 square miles (nearly one-twelfth of the nation), seven U.S. states and two nations, would go far beyond the purpose and need and scope of the program evaluated in the LCR MSCP Environmental Impact Statement/Environmental Impact Report (EIS/EIR).

The geographic scope of the LCR MSCP is consistent with past consultations undertaken by Reclamation on the lower Colorado River (LCR) and was established to encompass the portion of the Colorado River and its floodplain up to the full pool elevation of Lake Mead and areas downstream within the United States, within which the LCR MSCP non-Federal and Federal covered activities (LCR MSCP Habitat Conservation Plan [HCP] Chapter 2 and LCR MSCP Biological Assessment [BA] Chapter 2, respectively) would be implemented. Implementation of the conservation measures within the LCR MSCP planning area would effectively conserve and restore habitat, thereby contributing to the conservation of the covered species. The conservation measures would also complement existing Endangered Species Act (ESA) activities underway elsewhere in the Colorado River Basin, including those referenced above.

EPA-3b As described in section 5.11 of the HCP, the LCR MSCP is committed to coordinating LCR MSCP implementation with other ongoing and any future recovery implementation and habitat conservation programs within the Colorado River watershed.

EPA-4 A copy of the Final EIS/EIR will be provided to this address.

EPA-5 As noted in section 3.3.2.1 of the Final EIS/EIR, the lead agencies would ensure that the proposed action complies with all applicable air quality regulations, including those related to reducing emissions from fugitive dust and open burns. Mitigation measures that are consistent with these regulations are presented in section 3.3.2.1 and have been developed to reduce the air quality impacts from implementing the Conservation Plan. Because site-specific analysis and air quality emissions calculations for any specific implementing action under the LCR MSCP cannot be accurately predicted at this time, a conservative determination was made that even with implementation of feasible mitigation measures, residual air quality impacts could result. Thus, air quality thresholds may be exceeded, even with the implementation of mitigation measures. Any air emissions resulting from development of the conservation areas would, however, be short term. As noted in section 3.3.2.1 of the Final EIS/EIR, in the long term, it is anticipated the level of operation and maintenance activities producing air emissions would be less for restored habitats than would normally occur on sites used for cultivated agriculture. Therefore, to the extent that agricultural lands are used as conservation sites, it is anticipated that there would be a corresponding reduction in long-term air emissions (e.g., fugitive dust and combustion emissions).

Section 3.3.2.1 of the Final EIS/EIR has been revised to clarify why the proposed action would not conflict with or obstruct implementation of applicable air quality attainment plans.

EPA-6 Sections 3.3.1 and 3.3.2 of the Final EIS/EIR have been revised to include the requested information.

EPA-7 Research on selenium levels in the LCR Basin indicates that there are no seleniferous soils in the LCR MSCP planning area and that agricultural use of water on soils in the planning area does not contribute to increases in selenium levels as it does in the Upper Colorado River Basin (Garcia-Hernandez, et. al. 2001). There is evidence that backwaters with a direct, physical connection to the river channel have higher levels of selenium than those without such a connection. Research on this topic is ongoing. Monitoring of critical water quality parameters in LCR MSCP created aquatic habitats is a requirement of the LCR MSCP Conservation Plan (Conservation Plan). Section 3.9.2.1 of the Final EIS/EIR has been revised to clarify the assessment of potential effects of selenium associated with creation of aquatic habitats.

EPA-8 The LCR MSCP documents have assumed the use of Colorado River water for implementation of the Conservation Plan in order to fully evaluate the potential for effects within the planning area. It was reasonable for the Draft EIS/EIR documents to assume the use of Colorado River water for a number of reasons, including proximity of likely conservation sites to the Colorado River, the available normal-year water supply of 7.5 million acre-feet (maf), the presence of four National Wildlife Refuges with decreed water rights within the planning area, among other factors. Information on the effects of water use for habitat

creation and maintenance is contained in section 3.9.2.1 of the Final EIS/EIR. Non-Colorado River water supplies (either groundwater or surface water) may also be available to meet the conservation measures of the LCR MSCP.

The water supplies necessary to create and maintain the appropriate habitat function for the LCR MSCP conservation sites would be managed and utilized by Reclamation in its role as the implementing agency for the LCR MSCP. The water needed for the creation and maintenance of the LCR MSCP conservation measures would be obtained and used consistent with applicable provisions of law and existing entitlements. To the extent there are applicable limitations on the availability of Colorado River water, there are a number of approaches that may be available to provide water necessary for the proposed conservation areas. For example, in prior circumstances, legal agreements have allowed the use of Colorado River supplies as part of an exchange of water from non-Colorado River sources (e.g., Colorado River Water Delivery Agreement, at Ex. B [Oct. 10, 2003] [published at 69 Federal Register (FR) 12202, March 2004]). In this circumstance, while Colorado River water is in fact used for mitigation purposes by exchange, accounting of such water is consistent with applicable laws.

Prior to implementation of specific conservation measures, a site-specific assessment would be conducted to evaluate potential effects, including those related to water supply and water quality. The site selection criteria utilized in identifying the conservation areas selected for restoration require a thorough evaluation of potential sources and adequacy of water supply to meet the biological and ecological goals and objectives. The evaluation of specific sites would include consideration of any acquired water supply.

EPA-9 The Public Involvement Plan has been updated to reflect the conclusions reached in the Final EIS/EIR. Consultation and coordination efforts undertaken for the LCR MSCP are described in sections 1.5 and 7.2 of the Final EIS/EIR and are consistent with the National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA) compliance requirements of each lead agency. A total of eleven public scoping meetings were held in 1999 and 2000 to obtain public input into the scope of the LCR MSCP environmental review process. Three public information meetings were held in 2003 to inform the public on the status of development of the LCR MSCP. Three public hearings were held in 2004 to obtain public comments on the EIS/EIR. All meetings were held in the evening to facilitate participation by members of the public, and they were held in more rural communities, such as Blythe, in addition to urban areas, to obtain input from the varied populations that could be affected by the LCR MSCP. Section 7.2.1 has been amended to note this. All meetings were noticed through news releases to various media, advertised in local newspapers, and on the LCR MSCP website. Senior DOI officials provided interviews to both English and Spanish news media. Additionally, as described in section 7.2.3 of the Final EIS/EIR, a number of meetings were held with Native American tribes in the planning area.

EPA-10 Comment noted.

EPA-11 Section 1.4.2 includes a list of permits and approvals that may be required prior to the implementation of future, site-specific conservation projects. Other actions that would be required are described in detail in Chapter 2 of the Final EIS/EIR. The specific actions that would be required would be dependent upon the individual sites selected and the type of conservation measures that were being implemented.

EPA-12 EPA's comment is noted. However, the participating agencies believe that the HCP, rather than the EIS/EIR, is the most appropriate place to describe the funding assurances regarding implementation of the LCR MSCP. Accordingly, relevant information has been added to the HCP that fully describes the funding assurances.

On August 17, 2004, representatives of the States of Arizona, California, and Nevada submitted formal letters of financial commitment, during the public comment period, to the Secretary of the Interior in which they committed to "share the agreed upon LCR MSCP costs equally with the United States on a 50/50 Federal/non-Federal basis." With final approvals from their respective boards and commissions, they agree to memorialize this commitment "in a manner that meets the Service requirements for firm and clear funding assurances to support implementation of the program." These letters are attached in section II of this volume. The commitments memorialized in these letters have been incorporated into the relevant program agreements as described in the LCR MSCP HCP, and described below.

The estimated cost of the LCR MSCP is $626 million in 2003 dollars over the 50-year term of the program. This cost includes funding for land and water acquisition, habitat creation and management, species-specific conservation measures, protection measures for existing habitat, monitoring and research, and program administration. The funding commitments include increases in the funding support to match the effects of inflation on program costs and ensure full funding over the program's term. The funding would be provided by Federal, state, and local government agencies and entities that would receive incidental take authorizations under sections 7 and 10(a)(1)(B) of the ESA as part of the LCR MSCP.

In the event that program costs exceed the estimated amounts, the Funding Management Agreement (FMA) and Implementation Agreement (IA) address the responsibility for such increased costs. A description of the funding assurances for the LCR MSCP is set forth in Chapter 7 of the HCP. A Draft Final FMA is attached as Exhibit A to the HCP, and a Draft Final IA is attached as Exhibit B to the HCP.

U.S. Section, International Boundary and Water Commission (USIBWC), August 17, 2004

USIBWC-1 USIBWC is implementing reviews of the Lower Colorado River Boundary and Capacity Preservation Project that are independent of the LCR MSCP. Reclamation agrees with USIBWC's suggestion for additional coordination and analysis regarding IBWC's proposed actions for flood flow design and construction activities in the Limitrophe section related to the IBWC Lower Colorado River Boundary and Capacity Preservation Project. Reclamation would continue to participate with USIBWC, the U.S. Army Corps of Engineers, and other appropriate entities on IBWC's proposed action in this regard.

USIBWC-2 It is recognized that USIBWC's independent project actions and project reviews would continue to be undertaken independent from the LCR MSCP.

USIBWC-3 Pursuant to international treaties, the USIBWC's jurisdiction regarding proposed actions within the Limitrophe section is recognized. Nothing in the development or implementation of the LCR MSCP modifies or changes the authority and responsibility of the USIBWC in any manner.

USIBWC-4 Reclamation, on behalf of the LCR MSCP parties, would submit any relevant site-specific construction plans to the USIBWC for input to insure that appropriate analysis of all design aspects of any conservation areas constructed within the Limitrophe section would be conducted by USIBWC prior to implementation.

USIBWC-5 See Response to Comment USIBWC-4.

USIBWC-6 It is recognized that the USIBWC's proposed project (i.e., the Lower Colorado River Boundary and Capacity Preservation Project) may alter groundwater levels in the Limitrophe section. Reclamation, on behalf of the LCR MSCP, would coordinate, as appropriate, with the USIBWC and the State of Arizona regarding the potential use of Colorado River water or groundwater not accounted for as Colorado River water in the Limitrophe section during implementation of the LCR MSCP.

USIBWC-7 The final LCR MSCP document volumes have been revised to use this term consistently.

USIBWC-8 See Response to Comment USIBWC-4.

USIBWC-9 LCR river miles cited in the LCR MSCP documents are the river mile designations used by Reclamation. Reclamation identifies the Northerly International Boundary as being located at River Mile 23.1 (Pacific Southwest Interagency Committee 1976).

USIBWC-10 See Response to Comment USIBWC-7.

USIBWC-11 The text has been modified as suggested.

USIBWC-12 The text has been modified as suggested.

USIBWC-13 The text has been modified as suggested.

USIBWC-14 The text has been modified as suggested.

USIBWC-15 The text has been modified as suggested.

USIBWC-16 The text has been modified as suggested.

USIBWC-17 The text has been modified as suggested.

USIBWC-18 The text has been modified as suggested.

USIBWC-19 The text has been modified as suggested.

USIBWC-20 The text has been modified as suggested.

USIBWC-21 See Response to Comment USIBWC-9.

USIBWC-22 The text has been modified as suggested.

USIBWC-23 The extent of land cover types described for Reach 7, including woody riparian vegetation, is only for the portion of the LCR and its floodplain within the United States.

USIBWC-24 Comment noted. The reference was not intended to identify a particular maximum pre-dam peak flow, but is a generic reference to conditions that predate construction of Hoover Dam.

USIBWC-25 The final LCR MSCP document volumes have been revised to use this term consistently.

USIBWC-26 Reclamation identifies the Northerly International Boundary as being located at River Mile 23.1 and Morelos Diversion Dam at River Mile 22.1. The BA has been revised to indicate that Morelos Diversion Dam is located 1.0 mile from the Northerly International Boundary (Pacific Southwest Interagency Committee 1976).

USIBWC-27 The final LCR MSCP document volumes have been revised to use this term consistently.

USIBWC-28 The text has been modified as suggested.

USIBWC-29 The flow capacity of 18,000 cubic feet per second (cfs) is the estimated maximum flow that could be passed in the river channel without encroachment into the Main Outlet Drain Extension (MODE).

USIBWC-30 The Colorado River Flood Protection Act of 1986 required the Secretary of the Interior, in relevant part, to "define the specific boundaries of the Colorado River Floodway so that the floodway can accommodate either a one-in-one hundred year river flow consisting of controlled releases and tributary inflow, or a flow of forty-thousand cfs, whichever is greater, from below Davis Dam to the Southerly International Boundary between the United States and the Republic of Mexico." See Sec 5 (Pub.L. No. 99-450).

USIBWC-31 The text has been revised to clarify that maintenance of the existing minimum flow capacities of the Colorado River channel refers to maintaining the existing flow capacities of the channel itself (i.e., bank to bank).

USIBWC-32 The text has been revised to clarify that current levee capacity refers to the current estimated capacity of the levees (given vegetation growth), not the original design capacity.

USIBWC-33 Draft BA Table 2-25 (Table 2-28 in the Final BA) has been modified to define the column 4 and 5 headings. The heading in column 5 ("levee to levee") refers to the currently estimated capacity of the levees, not the original design capacity. The heading "Floodway Boundary" refers to the estimated capacity within the boundaries established under the Colorado River Flood Protection Act of 1986 (see Response to Comment USIBWC-30). Studies conducted and published in 1989 established the boundaries along the river corridor, given the requirement that within the boundary, a flow of 40,000 cfs or the flow associated with the 100-year river flow (whichever was greater) can be accommodated (USBR 1989).

USIBWC-34 This comment is noted. The data provided in the table is for informational purposes only.

USIBWC-35 The text has been modified as suggested.

USIBWC-36 The text has been modified as suggested.

USIBWC-37 The text has been modified to reference "Minute No. 197 of the 1944 Water Treaty."

USIBWC-38 The information referenced was intended to refer to bank-to-bank capacity.

USIBWC-39 The text has been modified as suggested.

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STATE AGENCIES

Comment Responses

Arizona Game and Fish Department (AGFD), August 17, 2004

AGFD-1 Thank you for your support of the LCR MSCP.

AGFD-2 Comment noted.

AGFD-3 Your comment is noted. The impacts of Alternatives 1 and 4 are analyzed coequally in the EIS/EIR.

AGFD-4 Responses to the detailed comments are provided below.

AGFD-5 The LCR MSCP Conservation Plan (HCP Chapter 5) seeks to establish native land cover types that provide habitats for covered species that approximate the habitats historically present along the LCR. Consequently, the Conservation Plan identifies an initial approach for creating and managing native cottonwood-willow, honey mesquite, marsh, and backwater land cover types that were historically present along the LCR in a manner that provide the elements of covered species habitats based on the best available information. The LCR MSCP recognizes that there are many information gaps (e.g., covered species habitat requirements, habitat restoration technologies) that create uncertainties regarding the successful creation and management of covered species habitats. Consequently, the LCR MSCP includes a substantial monitoring and research program (see HCP section 5.11) designed, in part, to collect information necessary to assess the effectiveness of land cover type creation and management methods in establishing functional covered species habitat. The LCR MSCP also includes an adaptive management process (HCP section 5.12) that allow for adjustments, as supported by monitoring and research results, in the design and management of created habitats to improve the habitat functions of created land cover types. Such changes, if appropriate and approved by the Service (see HCP section 5.12), could include management of non-native vegetation (e.g., saltcedar) to provide habitat for covered species.

AGFD-6 As described in the Changed Circumstances and Remedial Measures section of the Draft HCP (HCP section 5.12.3), it is possible that during periods of water supply shortage, some of the restored habitat parcels could be negatively affected through loss of habitat function, or in the worst case, a total loss of the habitat. This partial or total catastrophic loss is similar to the situation that could occur as a result of wildfire. Should this occur, the LCR MSCP participants would ensure that the lost or non-functioning habitat was restored as soon as practicably possible.

Additionally, it should be pointed out that acquiring the necessary water supplies to establish the 8,132 acres of restored habitat is one of the critical functions of Reclamation and the Program Manager and staff. First, the conservation area site selection criteria (described in HCP section 5.5.1) are intended to be utilized to aid in identification of sites that contain the following characteristics: (1) are biologically or ecologically important; (2) contain suitable

site conditions; (3) contain requisite infrastructure; (4) have feasible land acquisition mechanisms (e.g., leasing or purchase); (5) and are associated with an adequate and assured water supply, or feasible mechanisms are available to acquire water and transfer it to the restored site. Consequently, the availability of an assured water supply is an inherent part of the process for selecting the sites for conservation measures to be implemented.

See also Response to Comment EPA-8.

AGFD-7 HCP section 5.7.23 has been revised to indicate that the LCR MSCP implementation of relict leopard frog conservation measures will be coordinated with the Relict Leopard Frog Conservation Team to the extent that such coordination is consistent with the LCR MSCP Conservation Plan goals and objectives.

AGFD-8 Comment noted.

AGFD-9 HCP section 2.4.2 has been revised to clarify this covered activity. The LCR MSCP covers and mitigates for changes to inflows into Lake Mead (i.e., inflows discharging within the high pool elevation of Lake Mead) from the Virgin River and Muddy River that could be caused by potential future projects implemented outside of the LCR MSCP planning area along these two rivers. The LCR MSCP does not cover the effects to the Virgin River and Muddy River from potential future projects outside of the planning area. Such potential future projects would need to provide environmental documentation and obtain all applicable permits independent of the LCR MSCP.

AGFD-10 The text has been modified as suggested.

AGFD-11 The text has been modified as suggested.

AGFD-12 The text has been modified to address this comment.

AGFD-13 The text has been modified as suggested.

AGFD-14 The text has been modified as suggested.

AGFD-15 It is the intent of the LCR MSCP to create habitats in locations and patch sizes that best meet the conservation needs of the covered species and to manage those habitats in a manner that meets species seasonal habitat requirements, within the constraints associated with land acquisition (e.g., location of available lands, water availability, suitability of soils for habitat creation). HCP section 5.5.1 has been revised to clarify this intent.

AGFD-16 The text has been modified as suggested.

AGFD-17 The recommended change was not made because the adaptive management plan uses a variety of sources to determine reproductive success along the LCR.

AGFD-18 The text has been modified as suggested.

AGFD-19 See Response to Comment AGFD-5.

AGFD-20 The recommended change was not made because the intent of the referenced design element is to limit the establishment of saltcedar and other nonnative species. Also see Response to Comment AGFD-5.

AGFD-21 See Response to Comment AGFD-6.

AGFD-22 The text has been modified as suggested.

AGFD-23 The text has been modified as suggested.

AGFD-24 The text has been modified and now references section 2.1.1.4.

AGFD-25 The text has been modified as suggested.

AGFD-26 The text has been modified as suggested. 1 part per million (ppm) = 1 milligram per liter (mg/L).

AGFD-27 The text has been modified as suggested.

AGFD-28 The text has been modified as suggested.

AGFD-29 Comment noted.

California Department of Fish and Game (CDFG), August 18, 2004

CDFG-1 The California Department of Fish and Game (CDFG) indicates in their letter that they have previously provided comments on several LCR MSCP-related reports. The reports cited by CDFG are preliminary draft and administrative review documents containing concepts for mitigation or other materials that are not part of the official draft LCR MSCP documents circulated for public review. The LCR MSCP Program partners have evaluated and incorporated, as appropriate, comments received throughout the planning process. The following responses address the comments received on the public review versions of the LCR MSCP documents.

CDFG-2 The proposed action is appropriately defined for the purposes of the EIS/EIR; that is the adoption of a 50-year, $626 million Conservation Plan, and issuance of ESA take authorizations. In order to implement the LCR MSCP, the proposed action has been designed to meet the purpose and need as described in the EIS/EIR. The proposed action has been designed to meet the regulatory requirements of ESA, CEQA, and NEPA.

As discussed in the EIS/EIR, the proposed Federal actions include the issuance of a section 10(a)(1)(B) permit by the Service to non-Federal applicants for incidental take of covered species and the implementation and funding of the

Conservation Plan by Reclamation. For California participants, the EIR provides CEQA compliance for funding and implementation of the Conservation Plan. The EIS/EIR analyzes the potential impacts associated with implementation of the proposed Conservation Plan and alternatives and the potential impact of the incidental take of covered species that the Service is being requested to authorize. Additionally, the EIS/EIR will serve as the basis for future project-specific NEPA and CEQA compliance documents that may be required once individual conservation projects under the LCR MSCP are more fully defined and are proposed to be implemented.

In the development of the LCR MSCP, the Federal and non-Federal participants identified a range of potential actions for which incidental take permits under ESA would be requested. These "covered activities" include current activities and future potential actions and projects that may result in incidental take of the 27 species covered under the LCR MSCP. Based on this listing of "covered activities," an impact assessment was prepared and the Conservation Plan developed. The EIS/EIR is not intended to provide project-specific NEPA/CEQA compliance for these underlying "covered activities." Approval of the LCR MSCP and implementation of the proposed Conservation Plan would not constitute NEPA or CEQA compliance for any future "covered activity." This approach is consistent with the approach used in many regional HCP/Natural Community Conservation Plans (NCCPs) where ESA compliance is provided for categories of future activities. For example, the Final EIS/EIR for the recently approved Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) (Riverside County Integrated Project 2003a) analyzes the impact of the take of covered species that will result from development projects within the county's 1,966 square-mile plan area, but does not constitute NEPA or CEQA compliance for the future development projects.

CDFG-3 Section 1.2 describes the purpose and the need for the project and as such summarizes the covered activities evaluated in the HCP and BA. The detailed descriptions of the Federal and non-Federal activities are provided in Chapter 2 of the BA and Chapter 2 of the HCP, respectively. Also see Response to Comment CDFG-2.

CDFG-4 See Responses to Comments CDFG-2 and CDFG-3.

CDFG-5 The LCR MSCP is intended to provide ESA incidental take coverage for covered activities for agencies within the states of Arizona and Nevada, along with covered activities of participating Federal entities (which include implementation of the Conservation Plan). These aspects of the program are not subject to the California permitting provisions referenced in the comment.

The LCR MSCP also is intended to provide ESA incidental take coverage for covered activities for agencies within the state of California. California participating entities will evaluate their obligations under California law and will comply with those laws as applicable. The California parties concur with the

statement that CDFG must comply with CEQA for its actions related to the LCR MSCP.

CDFG-6 See Response to Comment CDFG-5.

CDFG-7 NEPA and CEQA require that an EIS or EIR, respectively, analyze the impacts of a Federal or State agencies' proposed action and alternatives *to the action*. The proposed action is the adoption and implementation of the LCR MSCP Conservation Plan, and an appropriate range of alternatives to the proposed action has been analyzed. As indicated in Response to Comment CDFG-2, the EIS/EIR is not intended to provide project-specific NEPA/CEQA compliance for the underlying covered activities. The EIS/EIR, therefore, properly focuses on alternatives to the Conservation Plan, rather than on different strategies for implementing the covered activities. The approach is consistent with numerous other regional HCPs, such as the Western Riverside County, San Diego County, and San Joaquin County HCPs.

CDFG-8a The LCR MSCP participants have reviewed the adequacy of the habitat models that are described in BA section 4.6.2.1 and HCP section 3.5.1.1 in light of CDFG's comment, and have determined that the models are properly used in the analysis of effects of covered activities. The modeling approach is based on two assumptions that result in an overestimation of the extent of, and impacts to, habitat: (1) Each land cover type that is identified with a covered species is assumed to contain the necessary elements to constitute habitat for those species; and (2) A total loss of habitat is assumed regardless of the extent of the impact of covered activities on the habitat. A summary explanation of the modeling approach is included below.

<u>Habitat Modeling</u>

Use of a habitat modeling approach is consistent with the accepted tenets of conservation biology and with the approach used on other approved HCPs and NCCPs (e.g., Western Riverside County MSHCP). This approach to identifying habitat usually involves a two-step process.

The first step in developing habitat models involves a review of the relevant biological literature, particularly focusing on the components that define habitat for the covered species. The component that provides the broadest view of habitat is the vegetation community identified with the species. The vegetation community information includes both the plant species and their physical structure (height of vegetation, structural diversity, and related physical features).

The second step in the habitat modeling process involves refining the general vegetation community information based on the presence of physical elements that define habitat for the covered species. Habitat is biologically defined by physical and biological parameters that are in addition to the basic level vegetation community information. Inclusion of these parameters results in the

elimination of those areas of the vegetation community that do not meet these additional specific criteria. This second step results in a reduction in the area of vegetation communities identified as habitat. However, to implement this second step, extensive field review of the vegetation communities initially identified as potential habitat is required to assess the areas that meet the more specific criteria.

The LCR MSCP modeling approach followed the first step of this process. Existing information relative to vegetation communities within the LCR MSCP planning area was provided by Reclamation through a series of databases constructed using the Anderson and Ohmart (1984) classification system for land cover types and structural divisions. This information is presented in section 4.4 of the BA and section 3.4 of the HCP. The land cover type classifications, with the structural divisions, corresponded well with the vegetation community information used in the habitat models. Biologists from the LCR MSCP, contractors, and participants extracted the basic components of habitat for each species from a literature review. Only those vegetation communities clearly identified as providing quality habitat for the species are included in the final model; however, it was recognized that other vegetation communities might be used at a low level by individuals of the covered species. Biological information used in this analysis is included in Appendix I. An overlay of the habitat model vegetation communities on the land cover type databases provided the acreage of habitat for the covered species in the LCR MSCP planning area. These models were then the subject of the independent peer review process, and were determined suitable for use.

However, the LCR MSCP habitat models do not include the second step in modeling in which the general vegetation community data is overlain with the specific physical components required to qualify as habitat. Rather than undertake the field surveys necessary to make this refinement in the identified areas of habitat, the LCR MSCP assumes that all areas of those vegetation communities utilized by covered species qualify as habitat. The entirety of these areas is included in the effects analysis. These assumptions are used in the development of the LCR MSCP habitat models and the subsequent determination of the extent of species habitat in the LCR MSCP planning area, and thus result in an overestimation of habitat.

Effects Analysis

The assumptions related to groundwater declines used in the LCR MSCP effects analysis also results in an overestimation of the habitat impacts for covered species. The hydrologic modeling shows a maximum drop in groundwater of 1.6 feet that would occur in Reach 4 (Table 5-2 in the Final BA, and Table 4-2 in the Final HCP) as a result of flow-related covered activities. For areas of cottonwood-willow land cover types, the effects analysis assumes that any drop of groundwater levels would result in the complete elimination of the area as habitat. The LCR MSCP effectively assumes that the trees would die and the

value of the habitat for the covered species would be eliminated. The actual effects on existing cottonwood-willow resulting from declines in groundwater depend on two factors: (1) the existing depth to groundwater under each area of the land cover type and (2) the amount of the groundwater decline. The data to refine the extent of cottonwood-willow that would be affected under those factors was not available and would require extensive field surveys to obtain. Furthermore, the drop in groundwater levels would not be likely to completely eliminate the value of this land cover as habitat for all covered species. By assuming that all cottonwood-willow land cover type identified as species habitat would be completely eliminated, the LCR MSCP has again overestimated the acreage of habitat that would be affected by the covered activities.

For the honey mesquite type III land cover identified as covered species habitat, the literature pertaining to the effects on honey mesquite from physical changes in groundwater levels were reviewed (See Response to Comment CDFG-52). The scientific information shows that groundwater declines of the magnitude caused by the LCR MSCP covered activities would not have adverse effects to the vegetation community or the structure of the honey mesquite habitat. Therefore, no losses of habitat related to honey mesquite land cover type were identified, except for one covered species. The exception is the honey mesquite-quailbush association that provides habitat for the MacNeill's sootywing skipper (see Response to Comment CDFG-24). In the habitat model developed for the skipper, the importance of a high groundwater table that provides a dense understory of shrubs and a relatively moist microclimate was identified and used in the habitat modeling process. In this particular case, any decline in groundwater could eliminate that essential microclimate. For that reason, those acres of honey mesquite-quailbush that overlay areas where groundwater levels will decline due to covered activities were assumed to be completely lost as habitat for the skipper. These acres were counted as being lost as habitat in the effects analysis. This assumption ensures that the analysis properly accounts for effects to the skipper.

Review of the scientific literature indicates that declines in groundwater due to LCR MSCP covered activities would not result in the loss of any saltcedar land cover type. However, the effects analysis also took into account the specific habitat information available for the southwestern willow flycatcher. The flycatcher is the only LCR MSCP covered species for which habitat within the planning area has been located and mapped, so that no habitat model was used for this species. The flycatcher is found in both cottonwood-willow and saltcedar areas. However, as with MacNeill's sootywing skipper, the moist soil component is a critical factor in evaluating the effects of groundwater decline on flycatcher habitat. The analysis for cottonwood-willow already assumed that the habitat would be completely lost. The maps for identified flycatcher habitat include areas of saltcedar used by this species. The effects analysis includes these areas of saltcedar that overlay areas where groundwater decline will occur as a result of LCR MSCP covered activities. In this way, areas of saltcedar that support the flycatcher were identified and included in the acreage that could be

affected. Ongoing efforts to identify additional moist-soil areas of saltcedar land cover that may be flycatcher habitat make it likely that the amount of saltcedar land cover types not presently included in flycatcher habitat is not significant. Therefore, the LCR MSCP analysis does not underestimate either the extent or affected area of flycatcher habitat.

Although the LCR MSCP does not address the low level of use of certain land cover types (predominantly saltcedar and mixed saltcedar communities) by covered bird species, the Conservation Plan includes avoidance and minimization measures that reduce the potential for incidental take of individuals of the covered species present in these land cover types. Conservation Measure AMM3 contains provisions to avoid the breeding season of covered bird species when removal of these land cover types is implemented. This reduces the risk to the individuals, which is a key component of the HCP. Effects of implementing flow-related covered activities could include the loss of moist surface soil conditions in patches of saltcedar that may be used by the southwestern willow flycatcher and other covered bird species. As described above, the loss of moist surface soil conditions in saltcedar and mixed-saltcedar stands have been identified as part of the analysis of effects on the flycatcher. Habitat that will be created as mitigation for these effects on the flycatcher will also mitigate for any effects on the loss of these areas on other covered species.

Groundwater Monitoring

The comment also contains a recommendation that a monitoring program be established to track the actual declines in groundwater to ensure that the anticipated level of impacts is not exceeded. The LCR MSCP assessed this concept during the development of the HCP and determined that use of a monitoring program to assess effects to groundwater was less effective than assuming the loss of habitat due to any declines in groundwater levels. The assumptions in the models that provide the groundwater decline information are based on past field reviews on the LCR and are a reasonable predictor of the effects of reduced flows on groundwater. The effects analysis assumed the loss of the covered species habitats that are sensitive to any drop in groundwater. Therefore, the actual amount of groundwater decline is not relevant. Nonetheless, the provisions of the 2001 Biological Opinion (BO) (USFWS 2001) include groundwater monitoring under 372 acres of flycatcher habitat that will occur as part of the LCR MSCP. Information from that monitoring may be useful in refining the groundwater decline model and identifying any unanticipated results.

Conflict Resolution Process

Procedures for resolving conflicts between LCR MSCP participants are included in the governance structure of the program. See the Draft Final FMA attached as Exhibit A to the Final HCP for further details.

CDFG-8b Table 2.1-2 has been revised to clarify the impact analysis presented in HCP Chapter 4 and, as described below, includes the potential extent of effects on covered species habitats of drain and canal maintenance-related covered activities.

The LCR MSCP covered activities include the periodic removal of patches of emergent vegetation from along 244 miles of drains and 313 miles of canals (557 miles total) in the LCR MSCP planning area to maintain flow capacity. It is anticipated that maintenance of canals will only result in removal of a small amount of emergent vegetation over the term of the LCR MSCP and that removal will have no measurable effect on associated covered species because the design of canals generally does not allow for the establishment of emergent vegetation (small patches of vegetation may establish in locations where the canal banks have eroded and before eroded banks are repaired).

Emergent vegetation growing in drains generally occurs as relatively small linear patches that provide low habitat value for associated covered species. The exact extent of emergent vegetation that could be removed is not known because the extent and location of vegetation growing in drains varies each year. Based upon the available information regarding the design of drains and maintenance activities (e.g., bank to bank width of drains, degree of bank slope, degree of soil compaction, and implementation of maintenance activities that preclude the establishment of emergent marsh vegetation), however, it is reasonable to assume that no more than 10 percent of the 244 miles of maintained drains support patches of emergent vegetation and that the average width of patches will not exceed 10 feet. Based on these assumptions, covered activities related to the maintenance of the 244 miles of drains could remove up to 30 acres of emergent marsh vegetation that could provide low value habitat for covered species. The LCR MSCP would create 512 acres of marsh land cover that would be specifically designed and managed to provide high value habitat for associated covered species. This created habitat would mitigate for the impacts of implementing covered activities that would degrade or remove up to 243 of emergent marsh vegetation that provides covered species habitat (i.e., 213 acres of marsh land cover that would be removed by all other covered activities plus 30 acres of emergent vegetation that provides low value habitat that may be removed as a result of maintaining drains).

CDFG-9 LCR MSCP conservation areas would be selected in accordance with the conservation area site selection criteria described in HCP section 5.5.1. The LCR MSCP anticipates that much of the agricultural land within the LCR MSCP planning area would meet these criteria; however, it is anticipated that a combination of land types and ownerships would be utilized.

CDFG-10 In response to this comment, additional implementation measures that would avoid and minimize potential impacts on non-covered sensitive species have been included in the Final EIS/EIR section 3.4. While not required to mitigate for any identified significant impact, these measures are incorporated on a voluntary

basis to reduce potentially adverse impacts to non-covered sensitive species during implementation of the Conservation Plan.

The Conservation Plan was developed as an ESA compliance document that specifically identifies the conservation measures that would be implemented to fully mitigate the potential take of the covered species and contribute to their recovery. The EIS/EIR evaluates potential impacts to non-covered sensitive species (section 3.4) and where a potentially significant impact was identified, a mitigation measure that would reduce the impact to less than significant was identified. As presented in the Final EIS/EIR, Mitigation Measure BIO-1 reads "Conduct site-specific surveys for non-covered sensitive species during selection of land cover type establishment or enhancement (e.g., existing backwaters) areas and, if any are found, then implement measures appropriate for the specific site and species to avoid or minimize impacts to the extent feasible without causing impacts on covered species. These may include measures specified in the Conservation Plan to avoid or minimize potential effects on covered species (e.g., scheduling to avoid breeding times)."

CDFG-11 In response to this comment, additional implementation measures that would avoid and minimize potential impacts on non-covered sensitive species have been included in the Final EIS/EIR section 3.4. While not required to mitigate for any identified significant impact, these measures are incorporated on a voluntary basis to reduce potentially adverse impacts to non-covered sensitive species during implementation of the Conservation Plan.

CDFG-12 AMM3 is a conservation measure in the LCR MSCP Conservation Plan that avoids and minimizes effects of all covered activities that are described in the HCP and BA. Consequently, conservation measure AMM3 is part of the proposed action evaluated in the EIS/EIR. This particular measure identifies operation, maintenance, and replacement (OM&R) of drains and canals as an example of a covered activity to which this measure would apply. See Response to Comment CDFG-2.

CDFG-13 See Response to Comment CDFG-5.

CDFG-14 See Response to Comment CDFG-11.

CDFG-15 The LCR MSCP includes measures to conduct studies and surveys for the covered species for which habitat would be created. These activities would be undertaken for the 17 species identified in conservation measure MRM1, which implements studies to better define species distribution and requirements for all covered species for which the LCR MSCP would create habitat and for which similar monitoring and research conservation measures are not identified in HCP section 5.7. These measures do not apply to species that could be affected by implementation of the covered activities and the LCR MSCP, but that are not associated with aquatic, marsh, or riparian land cover types (e.g., desert tortoise).

CDFG-16 Conservation measure MRM3 would be implemented and criteria would be developed if research indicates competition with European starlings is a substantial factor limiting the reproductive success of covered species.

CDFG-17 The LCR MSCP does not propose to create "a few choice habitats," but rather would create cottonwood-willow, honey mesquite, marsh, and backwater land cover types that support the physical and biological attributes that constitute "habitat" for each of the associated covered species in the amounts specified in HCP Table 5-3. The amount of conservation and the type of conservation measures have been calculated based on the effects of the covered activities for which incidental take authorizations are being sought. This ensures that the conservation measures provided by the LCR MSCP satisfy the requirement that these effects be fully mitigated and minimized to the maximum extent practicable. A central concept of the LCR MSCP is that created patches of land cover types can be designed and managed to provide, as observed in nature, habitat for more than one species in the same patch. This is a well accepted tenet of conservation biology supported by the existing literature and is utilized in a number of approved HCPs, such as the Western Riverside County, San Diego County, and San Joaquin County HCPs.

Although the LCR MSCP Conservation Plan is based on the best available information, the HCP explicitly acknowledges (sections 5.11 and 5.12) that there are knowledge gaps regarding habitat elements for covered species and regarding habitat creation and management techniques. HCP section 5.11 provides for a substantial commitment to research and monitoring to fill these knowledge gaps and allow for adjustments in LCR MSCP implementation as indicated by results of monitoring and research through the LCR MSCP adaptive management process (HCP section 5.12). Implementation of the conservation measures would be performed in a manner that provides the specific habitat elements beneficial to each of the covered species.

CDFG-18 As described in HCP Table 5-3, the LCR MSCP does include specific criteria to determine when created habitats have been successfully established. As appropriate, these criteria may be subsequently modified by adaptive management based on research and monitoring.

In scientific and lay publications, habitat is defined in many different ways and for many different purposes. As described in LCR MSCP Appendix V and applied in the LCR MSCP documents, the LCR MSCP defines habitat as "…the specific places where the environmental conditions (i.e., physical and biological conditions) are present that are required to support occupancy by individuals or populations of a given species."

Habitat is always identified with regard to one of the covered species and is specific to each species' physical and biological requirements. Habitat may be occupied (individuals or population of the species are, or have recently been, present) or unoccupied (see "unoccupied habitat" in Appendix V).

CDFG-19 Fish and Game Code section 2081(b) (2) states, "The impacts of the authorized take shall be minimized and fully mitigated. The measures required to meet this obligation shall be *roughly proportional* in extent to the impact of the authorized taking on the species. Where various measures are available to meet this obligation, the measures required shall maintain the applicant's objectives to the greatest extent possible" (emphasis added).

Fish screens were evaluated as an alternative to the proposed fish augmentation and habitat enhancement mitigation strategies. Installation of fish screens was rejected as an alternative for the reasons provided on page 9-5 of the Draft HCP: "Given the small proportion of the population potentially exposed to diversions, the level of mortality attributable to other factors (e.g., egg, larval, and juvenile predation), and unavoidable entrainment of the vulnerable larval like stage, fish screens would not benefit the species population to any measurable degree." The Draft HCP text further states, "installing fish screens on the large number of diversions from the LCR is prohibitive given the high cost and minimal benefit of the endeavor."

Furthermore, it is important to note that not all diversions have the same risk of entrainment. Those in areas not likely to be frequented by any age class of razorback or bonytail have virtually no risk. Diversions through pumps in the main channel and very deep diversions from reservoirs are less likely to have a definable risk even at high population levels. Bonytail are more likely than razorbacks to be in deep water near canyon areas, while both use shallows extensively (Marsh and Mueller 1999 and Mueller et al. 2000). Diversions from Lake Mead by Nevada may have an increased risk to razorbacks as the lake level declines. Lake Havasu is not likely to fluctuate sufficiently to increase threats to razorbacks or bonytail from the large diversions even with a greater abundance of fish as a result of stocking efforts. Additionally, adults and juveniles can actively swim away from an intake, but larval or very small young of the year class cannot. Thus, reliance on fish screens as an avoidance strategy was determined to be less effective in benefiting the species in question.

The conservation measures proposed to offset take of fish species are outlined in the HCP sections 5.7.4 through 5.7.6, and 5.7.24. Implementation of these measures would help ensure that the existing abundance of the species in the LCR MSCP planning area is maintained as a result of replacing affected habitat and stocking subadult fish and would contribute to attainment of the recovery goals established for the species. Therefore, conservation measures as provided meet the fully mitigated standard as defined in Fish and Game Code section 2081 by not only offsetting the amount of take identified for the covered activities but by contributing to the recovery of the species.

It is acknowledged that CDFG may consult with California water diverters regarding fish screens pursuant to Division 6, Chapter 3, of the Fish and Game Code.

CDFG-20 The LCR MSCP Conservation Plan would minimize and fully mitigate the potential take of covered species.

CDFG-21 The conservation measure DETO2 as presented in the Draft EIS/EIR is incorrect. The correct DETO2 is in HCP section 5.7.3.2. The Final EIS/EIR has been revised to incorporate the full DETO2 text shown in the HCP.

CDFG-22 The LCR MSCP participants agree that it is important to maintain fully functioning habitat for the covered species and believe that the Conservation Plan will accomplish this goal. However, it should be noted that there is no legal requirement that the mitigation be fully implemented prior to implementing the covered activities.

The LCR MSCP has provided an appropriate focus on prompt implementation of the Conservation Plan as described in section 2.1.1.6 of the EIS/EIR. To ensure that habitat creation efforts are successful, the schedule includes a reasonable time to evaluate and acquire lands that are most suitable for the habitat to be created, including research into the factors necessary to support the appropriate vegetation and other elements of covered species' habitat. Even with the need to act carefully in site selection and construction, the LCR MSCP expects to have nearly all the habitat sites established within the first 20 years of the program.

In contrast, there is no schedule for implementation of the future covered activities involving changes in the point of diversion of Colorado River water. The impacts that will result from changes in river flow, as described in the Final HCP (Table 4-2) and Final BA (Table 5-2), assume full use of the 1.574 maf in changed points of diversion. These impacts will not be fully felt until all of those future potential covered activities are actually implemented.

Although the timing of the future flow-related impacts cannot be estimated, it is the goal of the LCR MSCP to mitigate ahead of time those impacts that may occur. This goal is consistent with CDFG's comment that conservation measures should be implemented prior to the impacts associated with covered activities.

CDFG-23 See Response to Comments CDFG-2 and CDFG-3.

CDFG-24 CDFG is correct that it is important to distinguish between the effects of the covered activities as described in BA Chapter 2 and HCP Chapter 2 on covered species and the impacts of implementation of the LCR MSCP Conservation Plan on all biological resources under NEPA and CEQA. The Final EIS/EIR (section 3.4, page 3.4-1) clearly states that the Biological Resources section "addresses the impacts of the *proposed action and alternatives* on biological resources, including vegetation, fish and wildlife, and sensitive species, including those covered and evaluation species that are included in the proposed Conservation Plan" (emphasis added). The proposed action, referenced in section 3.4 of the EIS/EIR, is the adoption of the Conservation Plan and the issuance of take authorization. Therefore, the EIS/EIR evaluates the effects of the take of covered species resulting from the implementation of the covered activities, but does not

evaluate the covered activities themselves. As requested by CDFG, EIS/EIR section 3.4 has been clarified to highlight this distinction and thus clarify that the purpose of this document was not to analyze the effects of the covered activities or provide NEPA/CEQA coverage for such activities.

The habitat models (see HCP Table 3-9) identify the Anderson and Ohmart (1984) marsh types 1–7 (see HCP Table 3-5) as habitat for the marsh-associated covered species. The extent of delineated marsh types 1–7 was used to define the existing extent of marsh-associated covered species habitats within the LCR MSCP planning area (see HCP Table 3-10). Implementation of flow-related covered activities, however, will only affect emergent marsh vegetation that is associated with backwaters. As described in Appendix J, implementation of the flow-related covered activities will not measurably affect reservoir elevations, and thus marsh that is maintained by reservoirs (e.g., Lake Havasu, including the Bill Williams Delta and marshes associated with Imperial Dam Reservoir) and, as described in Final HCP section 4.2.3.1, will avoid effects on Topock Marsh. Consequently, the effects analysis for the marsh-associated covered species was conducted using the methods for analyzing effects of implementing future flow-related covered activities on backwaters and associated emergent marsh vegetation as described in Appendix K and summarized in Final HCP section 4.2.3.6.

The comment's citation of effects on over 8,000 acres of marsh is in reference to preliminary data generated from analysis of potential drop in groundwater elevations beneath all land cover types, including marsh types 1–7, with implementation of future flow-related covered activities in Reaches 3–5. As described above, this information was not used to conduct the effects analysis on marsh-associated covered species because it erroneously indicates there could be effects on marshes maintained by reservoirs. Accordingly, the HCP identifies that implementing the future flow-related covered activities could result in the loss or degradation of 133 acres of backwater-associated emergent marsh that provides habitat for covered species.

HCP Chapter 4 and BA Chapter 5 have been revised to clarify the methods used to assess the potential effects of implementing the future flow-related covered activities on covered species.

The comment's citation of effects on over 70,000 acres of riparian land cover types is in reference to preliminary data generated from analysis of potential drop in groundwater elevations beneath all land cover types with implementation of future flow-related covered activities in Reaches 3–5. With the exception of cottonwood and willow, the predicted level of groundwater decline would not result in loss of woody riparian vegetation, including honey mesquite, screwbean mesquite, saltcedar, and *Atriplex* spp. (USBR 1996 and 2000). Lowering of groundwater elevations, however, is assumed to result in loss of surface soil moisture conditions that are elements of southwestern willow flycatcher and MacNeill's sootywing skipper habitat. Accordingly, the HCP

assumes the loss of all cottonwood-willow land cover types, and southwestern willow flycatcher and MacNeill's sootywing skipper habitat beneath which the hydrological modeling has indicated a probability for a decline in groundwater elevation.

CDFG-25 The agencies agree with CDFG's comment that some instances of incorrect terminology were included in the draft program documents. For example Impact BIO-1 in the Draft EIS/EIR on page 3.4-30, incorrectly states "…would remove or degrade an estimated 3,352 acres of cottonwood-willow and honey mesquite *habitats*." (emphasis added). This statement should have referred to "cottonwood-willow and honey mesquite *land cover types*." The Draft EIS/EIR, HCP, and BA have been reviewed for this usage, and instances of usage not consistent with the LCR MSCP definitions have been corrected.

As described in LCR MSCP Appendix V and applied in the LCR MSCP documents, the LCR MSCP defines land cover type as "the dominant feature of the land surface discernible from aerial photographs, defined by vegetation, water, or human uses." The LCR MSCP planning area was divided into 15 discreet land cover types for the purpose of developing the Conservation Plan.

Also see Response to Comment CDFG-18.

CDFG-26 The heading published in the Draft EIS/EIR at section 2.1.1, "Implementation of a Proposed Conservation Plan and Issuance of Section 10(a)(1)(B) Permit (Conservation Plan)," is an accurate and thorough description of Alternative 1. The heading used in section 3.4.2.1 is a summary heading that refers to Alternative 1.

CDFG-27 The impact analysis contained in the Draft EIS/EIR (section 3.4.2) did include discussions of impacts to non-covered sensitive species and covered species, including California special status species. See Response to Comment CDFG-2 regarding covered activities.

CDFG-28 Assumptions used in the LCR MSCP would result in an overestimation of incidental take associated with implementation of covered activities. This comment specifically references other comments submitted by CDFG. Accordingly, see Responses to Comments CDFG-8b and CDFG-17.

CDFG-29 The Final EIS/EIR section 3.4.2.1 has been revised to indicate that degradation or loss of land cover types that provide habitat for covered species resulting from implementation of the covered activities would occur linearly along the LCR corridor over the term of the LCR MSCP and clarifies that any negative effects associated with implementation of the covered activities would be fully mitigated with implementation of the Conservation Plan.

CDFG-30 The statement referenced in the comment was intended to reflect the net outcome of implementing both the covered activities along with implementation

of the conservation measures identified within the Conservation Plan. In light of this comment, the Final EIS/EIR section 3.4.2.1 has been revised to clarify that implementation of the covered activities and the proposed action (i.e., the Conservation Plan) are not likely to negatively affect the overall populations of covered species within the LCR MSCP planning area or regionally. This conclusion is based on the expected outcomes of implementing the covered activities and the Conservation Plan that are described for each covered species in HCP section 5.7. The potential impacts of implementing the covered activities on covered species and land cover types that provide covered species habitats are described in HCP Chapter 4. Conservation measures that would avoid, minimize, and mitigate for those impacts are described EIS/EIR Chapter 2 and HCP Chapter 5.

CDFG-31 Implementation of the Conservation Plan would fully mitigate potential effects on 1,853 acres of flycatcher habitat and contribute to southwestern willow flycatcher recovery with the establishment and management of 4,050 acres of created flycatcher habitat. For a more detailed discussion, see HCP section 5.7.2. See also Response to Comment CDFG-30.

The 13 pairs of nesting birds referred to in the comment are not nesting pairs. The comment confuses nesting pairs with resident birds. They are not equivalent terms. Resident birds are identified as occupying a site after June 15. McKernan and Braden (2002) indicate that all but one detection occurred during the June 15–16 survey. At Picacho, one resident bird was found on July 6th. No nesting has been documented below Parker Dam. Nesting pairs refer to the documentation of nests, whereas occupied sites refer to suitable habitat patches where willow flycatchers have been detected after June 15. As stated above, most willow flycatchers that are detected in the LCR MSCP planning area and elsewhere in the arid Southwest are likely to be migrants.

CDFG-32 Since 1995, the participating agencies have worked to identify the appropriate list for covered species, which includes all currently Federally listed species, as well as those that have a significant likelihood of future listing. The conservation, minimization, and avoidance measures outlined in Chapter 5 of the HCP were developed to address potential impacts to the covered species from covered activities and implementation of the Conservation Plan for which incidental take is being requested as part of ESA compliance. It would not be consistent with the purpose and need for the proposed action to direct conservation measures away from ESA-listed and other covered species to "all other species status species" as suggested by CDFG. While the focus of the HCP and Conservation Plan is on the 27 covered species, to the extent that implementation of the conservation measures improves the amount and quality of native habitats within the planning areas, secondary benefits may result to non-covered sensitive species.

Also see Response to Comment CDFG-10 (addressing coverage in the EIS/EIR of impacts of the proposed action and mitigation of the effects of implementing the Conservation Plan on other special status species).

CDFG-33 This comment confuses impacts of covered activities with impacts associated with creating new habitat that would provide benefits to covered species and other sensitive species.

Impact BIO-1 discusses the "*beneficial* impact" associated with creation of 7,260 acres of cottonwood-willow and honey mesquite. The EIS/EIR text correctly references 3,352 acres as the amount that corresponds to covered species habitat that would be affected by the covered activities. In light of the comment, the EIS/EIR text has been revised to clarify that these impacts are more precisely described as impacts to cottonwood-willow and honey-mesquite land cover types that provide habitat for covered and other species. Also see Response to Comment CDFG-2.

CDFG-34 The burrowing owl is not a covered species. Draft EIS/EIR section 3.4.2.1 identified less than significant impacts to burrowing owls from implementation of the conservation measures on agricultural land. While no specific mitigation measures are required for burrowing owls (since it is not a covered species), the Final EIS/EIR (section 3.4.2.1) has been revised to incorporate additional implementation measures that would avoid or minimize potential impacts to sensitive non-covered species from implementation of the Conservation Plan. See also Response to Comment CDFG-10.

CDFG-35 The extent of impacts of implementing the covered activities on marsh is correctly stated in the Final EIS/EIR Impact BIO-4 as 243 acres, which corresponds to the effects on marsh associated with covered species. Impact BIO-4 has been revised to specifically indicate that the 243 acres of marsh affected by implementation of covered activities is marsh that provides covered species habitat. See Response to Comment CDFG-8b concerning the additional 30 acres of effect that have been identified.

CDFG-36 For reasons described in Response to Comment CDFG-8b, the Final HCP states that 243 acres of marsh vegetation that provides covered species habitat could be affected by covered activities. The comment statement that 8,035 acres of marsh could be affected is incorrect.

CDFG-37 Page 7-2 of the EIS/EIR discusses the Fish and Wildlife Coordination Act (16 U.S.C. 661-666) and indicates that compliance with the Act may be required prior to implementation of specific conservation actions. Reclamation will comply with the Act as it deems necessary in implementing the LCR MSCP.

CDFG-38 See Response to Comment CDFG-5.

CDFG-39 The LCR MSCP non-Federal, non-flow-related covered activities include OM&R of existing water diversions, conveyance facilities, and electrical generation and

transmission facilities within the LCR MSCP planning area. HCP section 4.5 identifies impacts on covered species that could be associated with implementing these covered activities. Impacts of and mitigation for implementing covered activities related to maintaining drains and canals are addressed in Response to Comment CDFG-8b.

As described in Final HCP section 4.3.2, OM&R of hydroelectric generation and transmission facilities is expected to avoid impacts on covered species, and ground-disturbing activities that support OM&R of existing water diversion and conveyance facilities (e.g., maintenance of existing access roads) are expected to avoid removal of covered species habitats. The HCP acknowledges that there could be some low, unquantifiable, level of take resulting from vehicles striking individuals when the vehicles are operated in support of OM&R on existing roads located within species' habitat (e.g., desert tortoise, flat-tailed horned lizard).

These OM&R activities apply to established facilities and infrastructure that are maintained in a highly disturbed state relative to natural conditions and that generally support little or no covered species habitat. Consequently, it is expected that impacts on covered species, particularly with implementation of the avoidance and minimization measures described in HCP section 5.6.1, would be minimal. Furthermore, if minimal impacts are incurred, these impacts would be appropriately mitigated with the creation of covered species habitats well in excess of the amount that would need to be created to fully mitigate the effects of all other covered activities (HCP Chapter 5) and with the establishment of a $25 million contribution fund that would be used to maintain existing habitat areas in the LCR MSCP to mitigate impacts of ongoing and future covered activities.

The LCR MSCP activities conducted by project participants from the states of Arizona and Nevada and the Federal participating agencies are not subject to California permitting requirements. California participating entities will evaluate their obligations under California law and will comply with those laws as applicable.

CDFG-40 The use of California water agencies' delivery systems to make 1944 Water Treaty deliveries to the City of Tijuana, Mexico, is more fully described in section 2.2.1.7 of the BA. The maximum annual emergency deliveries are 14,400 af.

The storage and delivery of up to a maximum annual volume of 14,400 af to the City of Tijuana is an ongoing flow-related action and is not part of the 1.574 maf of possible future water transfer actions.

CDFG-41 As described in LCR MSCP Appendix V and applied in the LCR MSCP documents, the LCR MSCP defines habitat-based approach as, "The use of habitat maintenance and creation/restoration measures guided by the principles of conservation biology to develop a conservation plan for the conservation of covered species." See Response to Comment CDFG-18.

CDFG-42 See Response to Comment CDFG-41.

CDFG-43 See Response to Comment CDFG-18.

CDFG-44 See Response to Comment CDFG-8a for the response regarding the LCR MSCP habitat modeling approach and the extent of covered species habitat present in the LCR MSCP planning area.

The LCR MSCP participants believe that the analysis of impacts based on the application of the habitat models described in HCP Chapter 4 most likely overestimates the extent of impacts for the following reasons:

1. The extent of existing habitat is overestimated as a result of the habitat-based models; see Response to Comment CDFG-8a. Therefore, the extent of impact associated with the habitat also is overestimated.

2. All habitat that could be affected by covered activities is assumed to be occupied, whether or not the species is actually present, thus overestimating the level of take.

3. As described in Final HCP section 4.2., the assessment of impacts associated with implementing the future flow-related covered activities assumed a worst-case scenario. These assumptions include the following:

   - All proposed changes in points of diversion would be implemented simultaneously, and all impacts on habitat would be manifested instantaneously. This assumption overestimates the potential associated impacts because all diversions would not be implemented simultaneously, but rather over a period of years; and

   - All cottonwood-willow land cover and, therefore, the habitat it provides for covered species, would be degraded or lost where modeling indicated groundwater levels could decline, regardless of the amount of decline (e.g., a decline of 1 inch beneath a cottonwood-willow stand was assumed to degrade or result in loss of the stand as covered species habitat, even though such a reduction in groundwater would be unlikely to affect covered species habitat conditions in most, if not all, instances).

The habitat modeling approach used to delineate the extent of existing covered species habitats and the extent of impacts on habitat is consistent with the approach used for other regional HCPs and NCCPs (e.g., Western Riverside County, San Diego County, San Joaquin County). Consequently, an accepted approach in such instances and as is used for the LCR MSCP HCP, is to develop and apply habitat models and incorporate impact assumptions that likely would overestimate the extent of impacts and thus ensure that the analysis would, at a minimum, encompass the full extent of the actual impacts that may accrue through implementation of covered activities.

CDFG-45 See Response to Comment CDFG-8a. The land cover type classification system used to formulate the habitat models is predicated primarily on plant species composition, plant species dominance, and vegetation structure. The LCR MSCP acknowledges, however, that habitat for some species includes more than plant species composition and vegetation structure (e.g., micro-climate and relief). As described in Response to Comment CDFG-8a, however, delineating covered species habitats based only on plant composition, structure, and dominance ensures that the LCR MSCP overestimates the extent of existing covered species habitat, thus ensuring that the analysis of impacts on habitat encompasses the full extent of potential impacts and that the habitat to be created under the LCR MSCP will fully mitigate all the potential impacts of implementing the covered activities on habitat.

CDFG-46 See Response to Comment CDFG-25.

CDFG-47 As indicated in Response to Comment CDFG-8a, field delineating the extent of covered species habitats based on the presence of detailed habitat elements that are not identified in the land cover type classification system would result in the delineation of substantially fewer acres of covered species habitat within the LCR MSCP planning area than has been delineated through application of the LCR MSCP habitat models. By overestimating the extent of existing covered species habitat, the LCR MSCP ensures that the analysis of impacts on habitat encompasses the full extent of potential impacts and that the habitat to be created under the LCR MSCP would fully mitigate all of the potential impacts that could result from implementation of the covered activities.

CDFG-48 See Response to Comment CDFG-8a.

CDFG-49 The backwater land cover type has not been delineated as a separate land cover type and is a subcategory of reservoir or river land cover types. Consequently, the extent of aquatic land cover types that provide habitat for the covered fish species are correct as shown in Table 3-11. HCP Tables 3-8 and 3-10 have been revised to incorporate a footnote indicating the extent of backwater land cover type is subsumed into the extent of reservoir and river land cover types shown in the table.

CDFG-50 As stated in Appendix K, median levels best represent impacts to isolated backwaters due to drops in river elevation. Consequently, the analysis appropriately characterizes the effects of changes in flow in groundwater reductions associated with implementing the covered activities on biological resources.

Changes in river elevations affect "connected" and "isolated" backwater areas in different ways, including temporal impacts. Colorado River surface elevation is directly correlated with backwaters that have a direct surface connection with the river (i.e., "connected" backwaters). Those backwaters that do not have a direct surface connection (i.e., "isolated" backwaters) maintain an elevation that closely approximates the median annual river surface elevation, or the groundwater

proximate to the backwater. While the river surface elevation at one point in the system may change as much as 3 feet at one time (in April), this does not reflect a drop in elevation for all backwaters as explained below.

Annual median elevations were used for calculating groundwater elevation changes and surface elevations for backwaters not directly connected to the river by a surface connection, as well as for groundwater change modeling input. Seasonal estimates of water surface elevations were used for impact analysis on backwaters directly connected to the river by a surface connection and river surface for the months of April, August, and December. For those analyses, the lowest hourly elevation modeled in any reach for each month was used. These months were selected for the following reasons: April represents the highest flows in the system, and backwater areas are important for nursery areas for larval fish. April also represents new growth and the dormancy break for cattail and is within the Yuma clapper rail breeding season. Backwaters in August are necessary for juvenile fish cover, and December represents the lowest water elevations throughout the year. April showed the greatest impact from reduction in water surface in backwaters and river, as well as impact to emergent vegetation and was used in the assessment of effects. As a result, the impacts to backwaters and associated emergent vegetation were probably overstated.

The months of April, August, and December were used only to calculate impacts to backwaters and river surface. As stated before, the groundwater projections were based on the annual median, therefore best reflecting the groundwater elevations the entire year, depending on the presence of irrigated agriculture nearby.

CDFG-51 The Palo Verde project study accounted for a drop in groundwater due to a cessation of irrigating agricultural lands (known as "fallowing") and did not evaluate any impacts related to changes in river flow. Thus the study referenced in this comment only analyzes impacts of fallowing as opposed to declines in river flows. From 1992 to 1994, the Palo Verde Irrigation District and Metropolitan implemented a test land fallowing program. This program resulted in the fallowing of 20,215 acres in the Palo Verde Valley and reduced the amount of Colorado River water used to irrigate farmland in the valley by an estimated 185,987 af (Great Western Research 1995).

Groundwater elevations in the Palo Verde Valley were monitored and reflected an average drop of approximately 1.5 feet during the 2-year program. However, this drop in groundwater level was not caused by any reduction in river flow below Parker Dam. Rather, the groundwater drop was caused by fallowing 22 percent of the agricultural lands in the valley, which "reduced the amount of irrigation water applied to valley lands" (Great Western Research 1995). This resulted in a reduction in the amount of irrigation associated recharge to the underlying groundwater. The LCR MSCP is not a land fallowing program, and the EIS/EIR does not evaluate the potential change in groundwater from

fallowing. However, section 3.9 of the EIS/EIR does discuss the application of water on conservation sites and potential changes to groundwater elevations.

The test fallowing program cannot be used as a basis for measuring the effect that changes in river flow may have on groundwater levels. River levels were not measured during the test program. The hydrologic modeling conducted for the LCR MSCP was based on potential reductions in river elevations resulting from changes in points of diversions and not based on a reduction in surface irrigation as demonstrated in the Palo Verde Test program. Therefore, the findings from the Palo Verde Test Program are not relevant to the hydrologic modeling and impact assessment conduced for the LCR MSCP and should not be considered a source of data to corroborate or refute the analysis presented in the LCR MSCP documents.

CDFG-52 The commenter does not cite any scientific literature to support its contention that mesquite communities will be affected by flow-related covered activities. The HCP conclusion that "change in groundwater elevation is not expected to result in the loss of honey mesquite bosques" is supported by the best scientific data available. HCP section 4.5.25 does acknowledge that implementation of future flow-related covered activities could result in the loss of up to 172 acres of MacNeill's sootywing skipper habitat that is provided by adjoining patches of honey mesquite and atriplex land cover types. The potential loss of this habitat, however, would not result from the loss of honey mesquite and Atriplex plants, but rather from the potential loss of surface soil moisture conditions required by this species as a result of lowered groundwater elevations.

Honey mesquite is a facultative phreatophyte with a long taproot that is able to reach deep groundwater (Ohmart et al. 1988). Riparian mesquite have high productivity which results from several physiological and morphological adaptations which allow them to "decouple" from the normal limitations on water and nutrient resources in desert systems (Nilsen et al. 1984). Foremost, a deep root system allows mesquite to tap water sources unavailable to shallower rooted plants, while association with nitrogen-fixing symbionts releases mesquite from nitrogen limitation" (Stromberg 1993). Furthermore, the maximum projected drop in groundwater is 0.8 feet in Reach 3, 1.6 feet in Reach 4, and 1.2 feet in Reach 5. These reductions in groundwater elevation are expected to be within the species' ability to obtain subsurface water.

Similarly, the available scientific data do not support the assertion that flow-related covered activities will affect recruitment or survivorship of mesquite. Mesquite germination is stimulated by high summer temperatures combined with late summer rains or floods (Stromberg 1993). The flow-related covered activities will not affect the factors affecting mesquite recruitment or survivorship.

This assessment presented in the LCR MSCP documents is consistent with similar assessments conducted by Reclamation for projects that could result in

reducing groundwater levels along the LCR for honey mesquite, as well as screwbean mesquite and saltcedar (USBR 1996 and 2000). As described in HCP section 4.2.3, implementation of future flow-related activities is not predicted to measurably change, from existing conditions, the frequency of overbank flow events that could inundate mesquite vegetation.

CDFG-53 See Response to Comment CDFG-50.

CDFG-54 Although there is the potential for an increase in conditions that would cause stranding and dessication, we disagree that stranding and dessication would have more than a minimal affect on the abundance and distribution of razorback sucker and bonytail in the LCR.

Stranding and desiccation discussed for bonytail and razorback sucker is related to the daily fluctuations in river flow attributable to operations for generating electricity. Under the ongoing covered activities for hydropower generation, river flows over a 24-hour period vary substantially, reaching flows greater than 20,000 cfs and less than 5,000 cfs depending on the month and demand for electricity. The potential for stranding or desiccation to occur under the existing conditions is governed by two primary factors. The first factor is the site-specific channel morphology, including the presence of gravel and cobble bars, side channels, or shallow backwaters within the river reach affected by the fluctuating flows; the closer to the dam these physical channel features are located, the greater the amount of water level fluctuation will be, since fluctuations attenuate downstream (Appendix J) and water levels stabilize.

The second factor is the current distribution and abundance of bonytail and razorback sucker in the LCR MSCP planning area. The number of individual fish in the areas of greatest fluctuations is low, and most of the bonytail and razorback sucker present in the LCR do not inhabit areas subject to significant fluctuations. Implementation of the future flow-related covered activities will alter the existing conditions.

The potential for increased stranding and desiccation will depend on the amount of change in water levels and the channel morphology. Further, with the implementation of the Conservation Plan, the number of individual fish potentially present in the area of significant fluctuation would increase. The amount of this increase cannot be quantified. However, if LCR MSCP monitoring reveals areas where significant amounts of stranding or desiccation occur, through the adaptive management process, measures to reduce the take could be implemented, if warranted. Such measures could include deepening a backwater or creating a gravel bar in deeper water.

HCP sections 4.5.4.1 and 4.5.6.1 have been revised to clarify the assessment of risk for existing and future stranding and desiccation and potential take of bonytail and razorback sucker, respectively.

CDFG-55a Surveys for flannelmouth suckers in the reach from Davis Dam to Lake Havasu from 2000-2002 found that 93 percent of flannelmouth suckers captured were in the 20-mile reach from Davis Dam to Fort Mojave Ruins. This reach is primarily a main channel habitat, with two large backwaters present. Adults in spawning condition were captured as far down river as the northern boundary of the Fort Mojave Indian Reservation. Preliminary data from 2003 indicated that juvenile flannelmouth suckers were more common in the river area near Topock than had been assumed, and may have a greater preference for backwaters than the adults (Mueller 2003). Additional information on flannelmouth sucker distribution and habitat use would be acquired before decisions on backwater placement would be made. There is no intent to locate the 85 acres of habitat for the flannelmouth sucker in portions of the reach not inhabited by the species (e.g., in the southernmost section of Reach 3).

CDFG-55b The impact assessment for bonytail and razorback sucker was conducted on a reach by reach basis, but the HCP summarizes impacts on covered species among all river reaches. Implementation of the future flow-related covered activities could affect up to 85 acres of bonytail and razorback sucker habitat in Reach 3, 232 acres in Reach 4, and 149 acres in Reach 5.

The placement of the remaining 275 acres of backwaters would be based on conservation area site selection criteria and integrated with existing isolated backwater projects undertaken by Reclamation. Because desirable conditions for successful backwaters are not fully known, to commit to a strict proportional placement may preclude opportunities that would provide greater benefits to the species.

CDFG-56 As described in HCP section 5.9, the conservation measures provided in the Conservation Plan for the bonytail and razorback sucker minimize and fully mitigate impacts to the maximum extent practicable. The LCR MSCP approach to mitigating impacts on and contributing to the recovery of the bonytail and razorback sucker is to implement conservation measures that would be the most effective for recovering the species. The best available information indicates that the current abundance of nonnative fish predators/competitors in the LCR is the primary factor affecting the abundance of bonytail and razorback sucker. In addition, the information indicates that these species are not habitat limited in the LCR; therefore, creating more habitat would not result in increasing their abundance.

Augmentation of fish is deemed to be the highest priority action that can be implemented at this time to ensure the continued survival of these species and to provide a sufficient number of fish in the LCR to allow for monitoring and research that is necessary to determine behavior and movement patterns, habitat use, and other information. This collection of data will help identify future more effective conservation actions and adjust the LCR MSCP conservation measures, as indicated by monitoring and research results, through the LCR MSCP adaptive management process.

As described in HCP sections 5.7.4.2 and 5.7.6.2, the numbers of bonytail and razorback sucker that could be stocked were developed to provide a realistic basis for developing cost estimates for implementing bonytail and razorback sucker conservation measures over the term of the LCR MSCP. As described in HCP section 5.12.2.2, the conservation measures to stock bonytail and razorback sucker are also designed as adaptive management experiments. A sufficient number of fish would be tagged and stocked early in LCR MSCP implementation to provide a statistically valid basis for conducting bonytail and razorback sucker monitoring and research studies. Monitoring and research would be implemented to collect the information necessary to eliminate existing uncertainties regarding the ecology and management needs for these species in the LCR including, as described in HCP section 5.12.2.2, determining the key environmental correlates affecting survival, growth, movement, and reproduction of the bonytail and razorback sucker (e.g., key habitat [e.g., depth, velocity, channel form, cover, substrate], continuity, water temperature, food, predation). The number of bonytail and razorback suckers that would be stocked over the term of the LCR MSCP may change if results of monitoring and research indicate that the funds provided for rearing and stocking these species would make a greater contribution towards their recovery if they were redirected towards implementing other types of management actions (see HCP section 5.12.2.2). If results of monitoring and research indicate, however, that continued stocking of bonytail and razorback sucker is the most effective management action for contributing towards the recovery of these species, the full level of stocking described in HCP sections 5.7.4.2 and 5.7.6.2 would be undertaken.

Because changes that could be made to the level of stocking is predicated on the results of monitoring and research to be conducted in the future, specific alternate management actions that would be implemented and the timing of their implementation cannot be identified at this time. The process for developing and approving proposed changes to LCR MSCP conservation measures through the LCR MSCP adaptive management process is described in HCP section 5.12.1. The process specifically requires that any proposed changes in the conservation measures described in the LCR MSCP HCP would be reviewed and approved by the Service prior to adoption and implementation.

Additionally, the created habitat would be designed and managed specifically to provide native covered species habitat requirements and would be maintained free (to the extent practicable) of nonnative fish predators/competitors, thus providing habitat of substantially higher value than the affected habitat.

CDFG-57 See Responses to Comments CDFG-19 and CDFG-56.

State of California, Governor's Office of Planning and Research, August 19, 2004

No comments requiring a response were submitted.

State of Nevada, Department of Administration, State Clearinghouse (NSC), August 10, 2004

NSC-1 Comment noted.

Nevada Department of Wildlife (NDOW), June 21, 2004

NDOW-1 Thank you for your support of the LCR MSCP.

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LOCAL AGENCIES

Comment Responses

QuadState County Government Coalition (Quad), August 17, 2004

Quad-1 The specific comments provided by Imperial County (IC) are addressed under Responses to Comments IC-1 to IC-9.

Quad-2 The membership of the oversight body would have the authority to select an appropriate name.

Quad-3 The participant groups were developed on the basis of participation in the development of the LCR MSCP. Interested local government agencies have the opportunity to become members of the Steering Committee as part of the "other interested parties" participant group described in Chapter 6 of the HCP.

Quad-4 The implementation costs described in HCP Chapter 7 were based on 2003 dollar values. As stated in HCP section 7.1, implementation costs and funding would be adjusted annually for inflation. Consequently, costs would be based on the value of the dollar in the first year of HCP implementation and annually adjusted for inflation over the term of the LCR MSCP.

Quad-5 The $25 million is a portion of the non-Federal cost-share among the Applicants. As described in footnote "b" to HCP Table 7-1, the $25 million would be placed in an interest-bearing account during the first 10 years of implementation. Interest drawn from the account, however, would be used to maintain existing habitat over the full 50-year term of the LCR MSCP. Table 7-1 only indicates the actual funding contribution and does not predict the amount of funding that would be generated through interest on the contribution because interest rates are expected to fluctuate over the term of the LCR MSCP.

Quad-6 The $25 million is a portion of the non-Federal cost-share among the Applicants. The funding source to maintain existing habitat for maintenance of existing habitat under the LCR MSCP is described in the Draft Final FMA (Exhibit A in the Final HCP, referred to as the Joint Participation Agreement [JPA] in the public draft documents).

Quad-7 LCR MSCP permit holders would be required by the Service to fund and implement all elements of the LCR MSCP Conservation Plan as stipulated in the Draft Final IA (included in Exhibit B of the HCP), including the commitments to conduct monitoring and research. The LCR MSCP has committed 26 percent of the $626 million program costs specifically to implementation of monitoring, research, and adaptive management to provide the information necessary to ensure successful achievement of goals. This level of funding for monitoring and research is comparable with, and in many cases larger, than is provided for in other regional conservation plans. Based on this commitment, the LCR MSCP believes that the proposed funding levels for monitoring, research, and adaptive management (HCP Table 7-1) are appropriate. In addition, as described in HCP section 5.11, a primary function of the LCR MSCP Program Manager would be coordination with other monitoring and research programs to reduce the

likelihood for duplicating monitoring and research efforts and ensure that monitoring and research programs are implemented as efficaciously as possible.

Quad-8 See Response to Comment CO-1.

Quad-9 Stocking bonytail and razorback sucker as described in HCP sections 5.7.4.2 and 5.7.6.2, respectively, is not expected to impact non-native fishes inhabiting the LCR because they are not effective competitors with nonnative fishes. Section 3.15.2 of the Final EIS/EIR addresses impacts to sport-fishing from population enhancement measures to control piscivorous fish in established backwaters and concludes that the impact would be localized, have a minor effect on overall fish populations, and would occur in conservation areas that would not be accessible to the public. This impact was found to be less than significant.

Quad-10 The EIS/EIR did not identify a beneficial impact to recreation from the proposed action because the Conservation Plan is not specifically being developed to promote recreational uses and because the habitat would not be accessible to the public. The beneficial impact to aesthetics is identified in EIS/EIR section 3.1.2.

Quad-11 As described in HCP Chapter 6, one of the primary responsibilities of the LCR MSCP Steering Committee would be to review and approve annual work plans prepared by the LCR MSCP Program Manager, which would include proposals for land and water acquisitions necessary to implement LCR MSCP conservation measures. LCR MSCP Steering Committee meetings would be public, affording an opportunity for public review and comment during the decision making process for such acquisitions.

Quad-12 The EIS/EIR, section 3.16.2, identifies impacts of the Conservation Plan associated with the loss of agriculture-related revenue (Impact SOC-2), loss of local property tax revenues (Impact SOC-3), and loss of local sales tax (Impact SOC-4). The analysis is at a programmatic level since specific sites have not been selected, but notes differences that would occur if land were privately owned, or owned by Indian tribes or government agencies. Additional site-specific compliance, including economic and social impact analysis, would be conducted as appropriate when individual projects are identified.

Quad-13 The impact to employment and the value of agricultural sales was quantified by county in Table 3.16-4 for varying site sizes. It would be speculative to attempt to quantify the impacts to local governments because specific sites have not been selected and because this would vary according to land ownership. Also, see Response to Comment QuadState-12.

Quad-14 We agree with your comment. There are not likely to be any significant Payments in Lieu of Taxes (PILT) payments and that reference in the EIS/EIR has been removed.

Quad-15 We agree that regular review of the status of covered species is an important component for successful implementation of the Conservation Plan over the term

of the LCR MSCP. As described in HCP section 5.11, the LCR MSCP would annually submit a report to the LCR MSCP Steering Committee and the Service describing LCR MSCP monitoring and research program activities and results, including an assessment of LCR MSCP progress towards achieving the LCR MSCP Conservation Plan (HCP Chapter 5) goals and objectives. As appropriate, assessments of progress towards achieving the goals and objectives could include an assessment of the regional or range-wide status of covered species as their status may relate to developing annual project implementation priorities. The LCR MSCP adaptive management process (HCP section 5.12) provides a process for future adjustments in the LCR MSCP Conservation Plan as warranted based on monitoring and research results, including relevant new information developed by others, and as consistent with the Service's Five-Point Policy for HCPs (65 FR 106, June 1, 2000) and applicable ESA regulations.

Imperial County Planning/Building Department (IC), July 13, 2004

IC-1 The correct citation for the information regarding Imperial County has been added to section 3.11, Land Use, and the list of references. The potential need to change zoning is noted. As indicated in section 2.1.1.4 of the Final EIS/EIR, site selection criteria include consideration of zoning and general plan designations, and as noted in section 3.11.2.1, the zoning of each potential conservation site would be reviewed to minimize any potential conflicts with policies of local jurisdictions adopted for the purpose of avoiding or mitigating an environmental effect.

IC-2 The future covered activities will be subject to project-specific analysis prior to their implementation, and consistency with existing plans and policies will be evaluated at that time.

IC-3 The Salton Sea Restoration Project is not closely related to the proposed action and therefore is not included in the cumulative impact analysis (Chapter 4 of the EIS/EIR).

IC-4 As discussed in section 3.9.2 of the Final EIS/EIR, implementation of the Conservation Plan would not lower the water surface elevation of the LCR.

IC-5 See Response to Comment EPA-8.

IC-6 See Response to Comment EPA-8.

IC-7 See Response to Comment IC-1.

IC-8 See Response to Comment IC-5.

IC-9 Chapter 9 of the Final EIS/EIR has been amended to reflect that Imperial County planners were contacted during the preparation of the EIS/EIR. Imperial County planners also were contacted to identify projects to be included in the list of projects considered in the cumulative impact analysis. Additionally, a QuadState

representative has been a participating member of the LCR MSCP Steering Committee.

City of Henderson (Hend), August 17, 2004

Hend-1 Comment noted.

City of Yuma, Riverfront Development Team (Yuma), August 17, 2004

Yuma-1 The commenter may be correct that the 1,305 acres of planned habitat may be available to achieve LCR MSCP habitat creation objectives if the Yuma East Wetlands Project is included as an LCR MSCP conservation area. Once a conservation area is identified, the amount of created habitat that can be credited towards achieving LCR MSCP habitat creation objectives would be determined based on the extent of land cover types that are initially established and that ultimately would develop and be sustained as functional covered species habitat.

Yuma-2 The requested text change has not been made because while some features listed on the National Register of Historic Places may in fact be visually sensitive, meeting the criteria for such a listing does not automatically qualify a feature as being visually sensitive.

Yuma-3 Section 3.1.1.4 of the Final EIS/EIR has been modified as recommended. Also see Response to Comment Yuma-2.

Yuma-4 Comment noted.

TRIBAL

Comment Responses

Fort Mojave Indian Tribe (Ft. M), August 13, 2004

Ft. M-1 Comment noted.

Ft. M-2 The EIS/EIR uses county-level data since this is the scale for which it is available on a consistent basis from the U.S. Census. A consistent data set was used to facilitate parallel analysis for the three counties that were analyzed. The acquisition of lands for conservation areas would be on a voluntary basis based on fair market value. When site-specific activities are identified, additional environmental compliance would be performed, as appropriate, analyzing impacts associated with use of those specific sites.

Ft. M-3 See Response to Comment Ft. M-2.

FT. M-4 See Response to Comment Ft. M-2.

Ft. M-5 Comment noted. As previously stated, conservation areas would be obtained on a voluntary basis based an appraisal of fair market value and would be subject to other negotiations between the parties.

Morisset, Schlosser, Jozwiak & McGaw (MSJM), August 18, 2004

MSJM-1 Comment noted. We acknowledge the U.S. Supreme Court's opinion, decided June 19, 2000, in *Arizona v. California*, concerning the determination of the final boundaries of the Fort Yuma Indian Reservation. We understand the Court remanded the case to a Special Master for a determination of the Quechan Indian Tribe's claims to additional boundary lands and associated additional water rights.

MSJM-2 The Department of the Interior acknowledges the senior priority of the Federal reserved right for the Fort Yuma Indian Reservation. The Final EIS/EIR and BA have been modified to state that the Tribes' decreed Colorado River water rights are Indian Trust Assets, and the United States, as trustee for those Tribal water rights, is committed to protect those rights. The Final EIS/EIR and BA now expressly state that the LCR MSCP will not modify these decreed water rights in any manner.

MSJM-3 The analysis in the documents includes the Tribe's present and future exercise of its senior water rights.

MSJM-4 The LCR MSCP analyses the effects of implementing all present and future covered activities.

MSJM-5 The Draft HCP notes on page 3-8 that irrigation return flows in Reach 6 "potentially" introduce contaminants to the river, such as salts, pesticides, and selenium. All Colorado River water users, including the Tribe, are responsible for complying with the requirements of all applicable laws, including the Federal Water Pollution Control Act. The United States does not warrant the quality of

Colorado River water and is under no obligation to construct or furnish water treatment facilities to maintain or better the quality of Colorado River water except as specifically authorized by Congress.

MSJM-6 Conservation measures would be sited on tribal land only on a voluntary basis and would not interfere with the tribe's water rights or lands. Any impacts to cultural resources would be mitigated as indicated in section 3.5 of the Final EIS/EIR.

MSJM-7 The LCR MSCP would acquire water for restoration projects only through voluntary agreements with existing water rights holders. The DOI acknowledges the senior priority of the Federal reserved right for the Fort Yuma Indian Reservation. The Final EIS/EIR and BA have been modified to state that the Tribes' decreed Colorado River water rights are Indian Trust Assets, and the United States, as trustee for those Tribal water rights, is committed to protect those rights. The Final EIS/EIR and BA now expressly state that the LCR MSCP will not modify these decreed water rights in any manner. It is the Tribe's decision as to whether it participates in any potential conservation and restoration projects implemented within the Reservation boundaries under the LCR MSCP.

MSJM-8 In 2000, a Reclamation cultural resources contractor provided baseline data for the Class I overview. The information provided is being incorporated into a Class I document by Reclamation.

Prior to construction, the Reclamation would delineate and evaluate proposed project areas for cultural resources. Where appropriate, Reclamation would initiate cultural resource surveys based on project location, previous work, and site potential; this could include a Class II sample survey or a Class III 100 percent survey. In the absence of specific sites, it is not possible to identify specific impacts to any particular geographic or political area.

MSJM-9 The LCR MSCP participants would be required to comply with all relevant environmental and historic preservation laws and regulations at the time specific projects are planned and implemented. Once a project area has been identified and the specifics of the project are known and the potential impacts ascertained, the cultural resource compliance process would start. This could include a site records check and pedestrian survey for unknown or unevaluated cultural resources. If significant cultural resources were identified, these would be properly reported and consultation undertaken with appropriate agencies and/or groups (e.g., State Historic Preservation Office, Tribal Historic Preservation Office, tribes, historic preservation groups). If significant sites cannot be avoided through project design, then there may be a need for additional archaeological work (i.e., site testing, excavation); these would follow all consultation and legal protocols.

MSJM-10 Conservation measures would be sited on the Fort Yuma Reservation only on a voluntary basis. The potential loss of jobs would be a factor that would be

considered by the tribe prior to the decision to establish habitat as part of the LCR MSCP Conservation Plan.

MSJM-11 The LCR MSCP would acquire water for restoration purposes only through voluntary agreements with existing water rights holders. For an expanded discussion on water acquisition, see Response to Comments EPA-8 and MSJM-7. The potential effects to groundwater as well as water quality from implementation of the LCR MSCP are presented in section 3.9 of the Final EIS/EIR. The EIS/EIR determined that the effects to water quality were not significant.

MSJM-12 See Response to Comments MSJM-6 and MSJM-7.

This is discussed in the Draft EIS/EIR page 3.10-4, paragraph 5, lines 32-37; and page 3.10-5, lines 1-2: "No activity associated with implementation of the Conservation Plan would be initiated on tribal land without the full cooperation and express permission of the tribe on whose land that activity might occur. LCR MSCP participants and the affected tribe would work cooperatively to identify and resolve potential impacts to Indian Trust Assets (ITAs). Appropriate mitigation and /or compensation measures would be identified, negotiated, and memorialized in agreement form, thus resulting in no effect or no adverse effect to the identified ITA(s). If LCR MSCP participants and the tribe were unable to reach agreement on how best to resolve effects, the LCR MSCP activity would not be implemented on the reservation and there would be no effect to ITAs."

MSJM-13 The Laguna Reservoir Restoration and Enhancement Project is described in the BA, Chapter 2, section 2.2.4.2. The project is informally known by various names, which leads to confusion. Thus, this project will be covered by the LCR MSCP consultation, and is not a related project to be included in the cumulative impact analysis.

MSJM-14 See Response to Comments MSJM-6, and MSJM-12.

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ORGANIZATIONS

Comment Responses

National Wildlife Federation (NWF), August 18, 2004

NWF-1 National Wildlife Federation's (NWF's) support of and participation in the LCR MSCP is appreciated. Detailed responses to issues identified in this comment are addressed below.

NWF-2 Reclamation's position is supported by the ESA, its implementing regulations, and applicable case law, including *Sierra Club v. Babbitt* cited by this comment. A nondiscretionary action, with respect to a Federal agency, is one that has been imposed by Congress through applicable Federal laws, or by courts of competent jurisdiction, through applicable orders and injunctions. Reclamation's position also extends to a determination that nondiscretionary Federal agency actions pursuant to applicable Federal laws or applicable court orders do not create section 9 liability as suggested by the comment. The DOI notes that the applicable ESA implementing regulations published at 50 C.F.R. Section 402.03 expressly limit the scope of the consultation duty to actions in which there is discretionary involvement or control and do not require consultation pursuant to section 7 for nondiscretionary actions.

The referenced statement is intended to clarify that the approach and coverage in the LCR MSCP for the covered activities should not be used as precedent in any subsequent consultation. Any Federal agency must undertake consultations beyond the scope of 50 C.F.R. section 402.03. This position is supported by relevant case law. See e.g., *Sierra Club v. Babbitt*, 65 F.3d 1502, 1505 (9th Cir.1995); *Defenders of Wildlife v. Norton*, 257 F.Supp.2d 53 (D.D.C. 2003).

NWF-3 The descriptions of AGFD's and NDOW's covered activities in HCP Chapter 2 are correct, and the Draft EIS/EIR has been revised to indicate that fish stocking is not an NDOW covered activity. Because fish stocking is an AGFD covered activity, however, (HCP section 2.2), this activity could affect bonytail and razorback sucker as described in HCP Chapter 4 and BA Chapter 5. Stocking of nonnative fish in the LCR MSCP planning area is currently implemented or proposed only by the Service, NDOW, and AGFD. Because fish stocking undertaken by the Service and NDOW is covered under existing section 7 consultations and fish stocking that would be undertaken by AGFD is an LCR MSCP covered activity, references to fish stocking as a cumulative effect have been removed from the LCR MSCP documents.

NWF-4 The text concerning critical habitat and determination of effects on critical habitat in Chapter 5 of the BA has been expanded to fully explain the analysis previously completed.

NWF-5 As described in BA section 5.2, the LCR MSCP Conservation Plan appropriately distinguishes between past actions and associated conservation measures from future covered activities. A portion of the 1.574 maf change in point of diversion was covered for four currently listed species in the January 2001 BO. As part of the covered activities, under both the LCR MSCP BA and the HCP, the entire

1.574 maf change in point of diversion is included in the impact analysis for all covered species. Accordingly, it is appropriate to include the mitigation acreage associated with those impacts as part of the LCR MSCP conservation measures.

NWF-6 Reclamation's annual management actions on the Colorado River rely on modeling approaches that utilize recorded hydrological data compiled over the past century. Reclamation believes that utilization of this actual hydrologic data provides the best basis for ongoing Colorado River management activities. Accordingly, Reclamation has utilized this approach as a foundation for the modeling assumptions in the LCR MSCP. For Reclamation to use a different modeling approach in the LCR MSCP would conflict with all of the other Colorado River management actions that Reclamation has taken and is currently taking. It is important to note that by periodically including additional hydrologic data, Reclamation will account for changes related to runoff patterns and/or human demand. While this particular comment focuses on potential effects of climate change on inflows into the Colorado River, this is just one of many variables that may affect runoff and demand within the Colorado River Basin. Attempting to predict global changes in climate, shifts in demographic patterns, and other factors affecting Colorado River hydrology are far more speculative than Reclamation's reliance on actual annual hydrologic data.

Operation of the Yuma Desalting Plant is not a covered activity for the LCR MSCP. For the purposes of a complete analysis that represents the greatest level of impacts based on likely future changes in flow resulting from future covered activities, as explained in the Draft BA at 5-4, a depletion of 120,000 af per year (afy) from 2003-2020 was assumed in the model to represent the water currently bypassed to the Cienega de Santa Clara. The model assumes that this depletion will be reduced to 52,000 afy beginning in 2023. As noted in Appendix J, this assumption is intended only to provide a thorough and comprehensive accounting of Lower Basin water supply and does not assume that operation of the plant will occur. Please see Appendix J for a full discussion of the Yuma Desalting Plant in the model.

NWF-7 See Response to Comment CDFG-56. Conservation measures for the bonytail and razorback sucker (HCP sections 5.7.4.2 and 5.7.6.2) have been revised. The purpose for adaptively managing the implementation of the fish augmentation conservation measures is to ensure that the most effective possible management actions for these species are implemented over the term of the LCR MSCP.

NWF-8 The LCR MSCP EIS/EIR does address impacts to burrowing owls as described in section 3.4. Part of the EIS/EIR impact analysis included an assessment of potential impacts on non-covered sensitive species, which includes the burrowing owl, resulting from implementation of the Conservation Plan.

Implementation of the Conservation Plan could affect burrowing owls by:

- Removing foraging habitat provided by farmed fields as a result of conversion to native habitats;

- Removing nesting habitat provided by berms, earthen embankments, and other such features that are associated with agricultural-related infrastructure that could support burrowing owl nesting burrows as a result of conversion to native habitats; and

- Disturbing nesting burrows as a result of maintaining roads, ditches, and other infrastructure in LCR MSCP conservation areas that could support nesting burrows.

The primary factors affecting the decline of burrowing owls include (1) habitat loss associated with conversion of lands to urban and agricultural uses and (2) rodent control programs (Remsen 1978).

The analysis presented in the EIS/EIR provides an assessment of the potential impacts of converting agricultural land to LCR MSCP created habitat types on sensitive wildlife species, including the burrowing owl. The Draft EIS/EIR (page 3.4-32) states "Conversion of agricultural lands to cottonwood willow and honey mesquite could affect 31 species of non-covered sensitive bird species, including burrowing owl…, that use agricultural lands and irrigation ditches." The Draft EIS/EIR concludes that "conversion activities would have a less than significant impact on these species." This impact is considered to be less than significant because less than 2 percent of agricultural lands in the LCR MSCP planning area would be converted (Draft EIS/EIR page 3.4-32) if all of the created habitat were established on agricultural lands. The amount of agricultural lands actually affected, however, is likely to be less because it is reasonably certain that some of the habitat would be created on non-agricultural lands. This finding is based on application of the significance criterion that the proposed action would have a significant impact if it would "have a substantial direct or indirect effect on sensitive wildlife species identified for special status under local, state, tribal, or Federal laws, regulations, or policies" (Draft EIS/EIR page 3.4-29). Based on the potential level of effect and in accordance with CEQA (California Public Resources Code, section 21101[c]), the proposed action is not expected to cause burrowing owl populations to drop below self-perpetuating levels.

The creation of 8,132 acres of covered species habitat proposed under the LCR MSCP would occur within the participating states of Arizona, Nevada, and California. It should be noted, however, that implementation of the LCR MSCP would not affect burrowing owls in the Imperial Valley. Furthermore, if all of the LCR MSCP created habitat were established on agricultural lands in California within Reach 4, which includes the Palo Verde Valley, implementation of the LCR MSCP could result, under this worst-case scenario, in the removal of up to approximately 9 percent of the agricultural lands within California in this reach. As previously noted, however, it is expected that substantially fewer acres of agricultural land in the Palo Verde Valley could be affected because not all habitat would be created on agricultural lands and not all habitat would be created in California.

Therefore, implementation of the LCR MSCP Conservation Plan measures would not be considered a significant impact to burrowing owls in California, and no re-analysis of impacts to burrowing owls is required. The EIS/EIR section 3.4.2, however, has been revised to expand the discussion of potential impacts on burrowing owl foraging and nesting habitat that could result from implementation of the LCR MSCP Conservation Plan. As described in Response to Comment CDFG-34, the Final EIS/EIR includes implementation measures that would avoid and minimize potential effects of implementing the LCR MSCP on sensitive species that use agricultural lands, including the burrowing owl. The LCR MSCP participants note that the comment statement that "The state burrowing owl population is on the decline" is contrary to the findings of the California Fish and Game Commission (Commission). The Commission, in its "Notice of Finding Relating to the Petition to List The Western Burrowing Owl As Endangered Or Threatened" (Findings), cited its reliance on the CDFG's status report as well as information provided by other parties (Commission 2004). Page 6 of the Findings states "In short, the Commission agrees with CDFG that available information does not clearly establish a net decline in western burrowing owl abundance in the State." The Findings also cite the U.S. Fish and Wildlife Service Breeding Bird Survey for western burrowing owls in California for the 1966-2001 period, which concludes "the Breeding Bird Survey supports a conclusion that while available information shows declines and threatened local extirpations of western burrowing owls in the coastal areas described above, it is not clear that there has been an overall decline in the state's western burrowing owl population over the past 20 or more years." (Commission, 2004, p. 6). The Findings however, do support the commenter assertions regarding the abundance of burrowing owls in Palo Verde and Imperial counties.

It should be noted that the burrowing owl initially was considered for inclusion as an LCR MSCP covered species and assessments of the potential take of burrowing owls from covered activities and LCR MSCP implementation were included in the September 2003 draft documents. The burrowing owl is not a Federally listed species, and the non-Federal applicants elected not to request pre-listing take authorization from the Service. Therefore, the Draft BA and HCP circulated for public review appropriately did not include an assessment of potential take of burrowing owls.

NWF-9 The administrative draft cited by NWF was a preliminary draft containing concepts for mitigation or other materials and was not part of the official draft LCR MSCP documents circulated for public review.

The burrowing owl is not a Federally listed species, and the non-Federal applicants elected not to request pre-listing take authorization from the Service. Prior to siting and implementing site specific activities, all applicable laws would be complied with during implementation of the LCR MSCP.

See also Responses to Comments CDFG-34 and NWF-8.

NWF-10 As indicated in HCP Table 5-6 and Figure 5-3, two of the LCR MSCP conservation areas initially identified are located in Reach 7. The LCR MSCP would identify and acquire specific conservation areas for the purpose of creating covered species habitats following HCP approval. Conservation areas would be sited and established on lands acquired on a voluntary basis from cooperating landowners based on application of the site selection criteria described in HCP section 5.5.1. LCR MSCP habitats could be established on lands within Reach 7 that meet the site selection criteria as described in HCP Section 5.5.1.

In addition, as noted by this and other commenters, (see comment and response USIBWC-2) the IBWC (U.S. and Mexican sections) is currently engaged in analysis and planning for actions that may affect the habitat quantity and quality in this reach in the future. In light of these ongoing activities, the participating agencies do not believe that it would be appropriate to predetermine that Reach 7 would be the primary or exclusive location for LCR MSCP riparian habitat protection. It is more appropriate to consider all of the relevant site selection criteria as part of LCR MSCP implementation and adaptive management practices. Accordingly, implementation of the LCR MSCP actions within Reach 7 will be coordinated with USIBWC and other land management agencies, as appropriate, to take advantage of opportunities to create habitat in the Limitrophe.

The commenter's discussion of instream flows and floods fails to take into account the legal constraints of operating the LCR. The Decree of the U.S. Supreme Court in *Arizona v. California* enjoins the United States from releasing water controlled by the United States other than in accordance with the following order of priority: (i) for river regulation, improvement of navigation, and flood control; (ii) for irrigation and domestic uses, including the satisfaction of present perfected rights; and (iii) for power. The Decree acknowledges the United States obligation to release water to Mexico in satisfaction of the international treaty between the United States and Mexico (1944 Water Treaty), signed February 3, 1944. That treaty requires the annual delivery of 1.5 maf of Colorado River water to Mexico. Minute No. 242 of the 1944 Water Treaty, dated August 30, 1973, addresses the delivery of approximately 140,000 af of this 1.5 maf on the land boundary at San Luis and in Reach 7, downstream from Morelos Diversion Dam. The U.S. Supreme Court's order barring release of Colorado River water except in accordance with these authorized purposes effectively precludes instream flows south of Morelos Diversion Dam under normal operating conditions if all Colorado River water is scheduled and used efficiently. Instream flows south of Morelos Diversion Dam occur only when (i) surplus flows cannot or are not diverted by Mexico, or (ii) inadvertent over-deliveries to Mexico (that are not diverted by Mexico) occur because water users within the United States order water and then do not divert it after it is released. The strict guidelines that control the release of Colorado River water, combined with the finite supply of that water, require the United States to review estimated water requirements and consult with water users as appropriate to ensure that

all Colorado River water is used efficiently. More efficient use will reduce the incidents of inadvertent over-deliveries.

NWF-11 Final HCP section 3.3.2 and Final BA section 4.3.2 have been revised to clarify these points.

NWF-12 The best available scientific evidence does not indicate that Reach 7 is more important for migrating passerines, including southwestern willow flycatchers, than the other reaches within the LCR MSCP planning area. Nor is there evidence that migratory stopover habitat is a limiting factor for covered and other migratory species within the LCR MSCP planning area to the point where migratory bird survivorship is compromised.

Each reach in the LCR MSCP planning area is described in a comparable level of detail regarding each reach's relative value to covered species (e.g., species accounts in Appendix I), with an emphasis on the importance of a particular reach to a covered species.

As described in HCP section 5.11, the LCR MSCP would implement a substantial monitoring and research program over the term of the program. Results of monitoring and research would provide information that would reduce existing uncertainties regarding the management needs for each species, including migration habitat requirements. The adaptive management process included in the LCR MSCP allows for adjustments to the conservation strategy for each covered species and could accommodate increased conservation actions in Reach 7, should the data indicate that it would best achieve the goals and objectives of the Conservation Plan (see HCP section 5.12).

NWF-13 The LCR MSCP species status reports (Appendix I) describe the general distribution and occurrence of covered species within the LCR MSCP planning area and not by specific river reaches, unless the relative importance of occurrences within a given river reach is well documented. Given the mobility and seasonal movement patterns of birds, the LCR MSCP acknowledges that covered bird species may occur in any river reach, including Reach 7, particularly during migration. For example, the western yellow-billed cuckoo, the Arizona Bell's vireo, and the summer tanager are all expected to be present in Reach 7 (see HCP Table 3.9).

NWF-14 The LCR MSCP would identify and acquire specific conservation areas for the purpose of creating covered species habitats following HCP approval. Conservation areas would be established on lands acquired on a voluntary basis from cooperating landowners and/or tribal governments based on application of the site selection criteria described in HCP section 5.5.1. As indicated in HCP section 5.5.2, preference would be accorded to selecting conservation areas on Federal, state, and tribal lands to the extent the lands meet the conservation area site selection criteria and the need for created habitat to be protected in perpetuity. Meeting this latter requirement on tribal land may present unique challenges.

NWF-15 As of the date of the publication of the Draft EIS/EIR, no draft implementing agreement was available that represented the positions of the Federal and non-Federal entities participating in the LCR MSCP. There is no legal (statutory or regulatory) requirement to publish the Implementing Agreement prior to issuance of a section 10(a)(1)(B) permit. Aspects of the covered activities and the Conservation Plan relative to the section 10(a)(1)(B) permit requirements were made available for the comment period and were published in the Draft EIS/EIR, Draft BA, and Draft HCP. Any approved HCP must meet the statutory and regulatory provisions regarding assurance of funding.

A Draft Final IA is attached as Exhibit B to the Final HCP. A Draft Final FMA is attached as Exhibit A to the Final HCP.

The Department regrets any confusion caused by including the words "Implementing Agreement" in the title of the Federal Register notice.

Defenders of Wildlife (DW), Environmental Defense, Grand Canyon Wildlands Council, Pacific Institute, Sierra Club, Yuma Audubon Society, August 18, 2004

DW-1a The LCR MSCP participants believe that implementation of the conservation measures would achieve the Conservation Plan's goal to avoid, minimize, and fully mitigate impacts on the covered species from the covered activities as well as contribute to the recovery of listed species. As described in the Conservation Plan, the LCR MSCP provides comprehensive measures for the avoidance and mitigation of impacts, including replacing habitat of higher function and, for many covered species, more habitat (see HCP Table 5-11 and BA Table 2-56) than may be affected by implementing the covered activities.

Also, see Responses to Comments CDFG-19 and CDFG-56.

DW-1b The sufficiency of the measures provided in the Conservation Plan to avoid, minimize, and fully mitigate the impacts caused by the covered activities must be evaluated in light of the scope of those impacts. As noted in the comment, the covered activities include the future changes in point of diversion of 1.574 maf of water on the lower Colorado River. The impact analysis in Chapter 4 of the HCP and Chapter 5 of the BA explains and quantifies how the future changes in river flows will affect river surface levels and groundwater elevations, and the corresponding effects on the covered species.

The analysis of the impacts includes evaluation of the changes in river flows, reservoir levels, and groundwater elevation that would occur when the future changes in point of diversion are implemented. The results of this analysis are summarized in the HCP (section 4.2.2) and the BA (section 5.2.2). A detailed description of the hydrology model used to calculate how the future changes in point of diversion would affect the river is included in Appendices J, K, L, and M. Through this analysis, the impacts of future changes in point of diversion of 1.574 maf of Colorado River water were fully considered in developing the Conservation Plan.

As described in Responses to Comments CDFG-8a and CDFG-44, a careful approach was used in analyzing the effects to covered species' habitat that results from the changes in river flows, reservoir levels, and groundwater elevations. The scope of the effects on the covered species is summarized in Table 4-5 in the Final HCP and Table 5-5 in the Final BA. The LCR MSCP participants believe that the impact analysis overestimates the amount of impacts to covered species' habitat. Furthermore, participants believe that the creation of 8,132 acres of native habitat, the fish augmentation program, the measures to protect existing habitat, and the species-specific avoidance and minimization measures are sufficient to fully mitigate the effects of implementing the ongoing and future covered activities.

DW-1c See Response to Comments AGFD-6 and AGFD-21.

DW-2 See Response to Comment CDFG-2 for the scope of analysis of the NEPA/CEQA document. The HCP (Chapter 4) and BA (Chapter 5) inform the reader of the impacts on covered species that would result from the covered activities. They further describe the Conservation Plan that would be implemented to fully mitigate these impacts. The LCR MSCP participants disagree with the commenter's conclusion, and believe that the benefits of the Conservation Plan outweigh the effects of the covered activities.

DW-3 Each of the elements in this summary of comments is addressed in the Responses to Comments immediately following.

DW-4 The BA does contain a description of the proposed action (see Chapter 2 of the Final BA). As noted in this comment, the agencies consulting with the Service were inconsistently identified among sections of the Draft BA and the Draft HCP. The Final BA and Final HCP have been revised to consistently indicate that Reclamation, Western Area Power Administration (Western), National Park Service (NPS), Bureau of Indian Affairs (BIA), the Service, and the Bureau of Land Management (BLM) are the Federal agencies seeking consultation under the LCR MSCP.

DW-5 Western is seeking coverage under the LCR MSCP for ongoing operations. Ongoing operations and activities on the LCR for the generation of hydroelectric power at Hoover, Davis, and Parker dams are conducted pursuant to the Joint Operating Agreement (JOA) between Western and Reclamation dated February 8, 1980, which was developed to implement section 302(a)(1)(E) of Public Law 95-91. Reclamation and Western also entered into a master agreement dated March 26, 1980, to implement section 302(a)(1)(E) of Public Law 95-91, the principles agreed to by the Commissioner of Reclamation and the Administrator of Western, and to memorialize the intent to optimize power benefits while preserving other project benefits. The JOA recognizes the requirement to maximize the economic value of such power generation within the constraints of the water release schedules.

Under the JOA, at any hour, if Western schedules power to fulfill its contractual commitments and water is on order to supply that power and capacity request, Reclamation is obliged to make the power resource available (i.e., put generator units online and release the water through them). If Western requests power when water is not on order, Western is obligated to purchase power from other sources to satisfy the contractual agreements. The generation of electricity is consistent with the operational parameters contained in Reclamation and Western's JOA, and is a byproduct of Reclamation's operation of the river in accordance with the priorities pertaining to the LCR which are established by statute.

For purposes of the LCR MSCP BA, Reclamation assumes, and the hydrologic modeling is based upon, the assumption that current operating conditions and practices will continue throughout the 50-year period. Thus, ongoing power operations for the term of the LCR MSCP are covered actions and any impacts have been fully analyzed in the impact analysis.

Existing contracts, renewal of existing contracts, extended contracts, and new contracts do not change LCR operations and do not determine the availability of generation resources. When hydropower generation is insufficient to fulfill contractual commitments, Western purchases power from other sources to meet contractual requirements. Regardless of any contract activities undertaken by Western, all impacts associated with water releases (and associated power generation) have been fully analyzed for the full term of the LCR MSCP (50 years) in the LCR MSCP documents.

DW-6 The BA text cited in this comment is incorrect and has been revised to reflect that the BA will not be relied upon by the Service during intra service section 7 consultation on the section 10(a)(1)(B) permit application. The Service will use the BA in the evaluation of the Federal covered activities for which Reclamation is acting as the lead agency for the consultation.

DW-7 The BA has been revised to incorporate information pertaining to previous programmatic consultations for BLM and the NPS. There are no existing consultations for BIA and Western in the programmatic LCR MSCP planning area.

DW-8 Reclamation believes that the statements contained in the Draft BA are correct.

The legal regime relevant to the delivery of water pursuant to the Supreme Court's Decree, relevant provisions of Reclamation law, and other applicable Federal laws (commonly referred to as the "Law of The River") simply cannot be condensed in their entirety in a BA or in this response in a manner that does not, in some way "oversimplify" the issue. The relevant issue is whether Reclamation's identified covered actions have been adequately identified, reviewed, and the potential impacts associated with such actions analyzed for the purpose of the prospective ESA coverage provided by the LCR MSCP.

Within the Lower Basin of the Colorado River, Reclamation's actions delivering, in "normal" years, 7.5 maf to entitlement holders within the states of Arizona, California, and Nevada are non-discretionary pursuant to the decree in *Arizona v. California*. With respect to the delivery to any particular entitlement holder, all entities are subject to the provisions of Reclamation law that limit use of project water to that required for beneficial use, in addition to other limitations imposed by other applicable Federal statutes, or individual water delivery contracts (such as maximum quantity of use, place of use, or type of use). The annual process undertaken by Reclamation pursuant to 43 C.F.R. Pt. 417 implements these statutory and contractual provisions through a process that facilitates the Secretary's water master functions pursuant to the Decree. Reclamation's detailed analysis pursuant to Pt. 417 of the Imperial Irrigation District's use of Colorado River water in CY 2003, pursuant to court order, was based on the unique facts and circumstances applicable in that year. Any water that is either unused by a water entitlement holder, or is not beneficially used by a water entitlement holder, becomes available to the next junior water entitlement holder in the relevant Lower Division State. If senior water entitlement holder "A" has a beneficial use for its full entitlement, Reclamation's delivery of water to that entity is nondiscretionary. If senior water entitlement holder "A" is not using – or not beneficially using – a portion of its Lower Basin entitlement in any year, Reclamation's subsequent delivery of the unused water to junior water entitlement holder "B" is also nondiscretionary. As part of its duties pursuant to applicable Federal law, Reclamation makes annual determinations regarding use and delivery of mainstem Colorado River water. Among the considerations relevant to these annual determinations is the volume of water available in that year, and the met (and unmet) demands of water entitlement holders in the relevant Lower Basin state.

DW-9 Section 4.2.1 of the Final EIS/EIR has been modified to indicate that environmental compliance has been completed for this project. A Categorical Exclusion was prepared for *Repairs and Modifications to the Yuma Mesa Conduit Drainage System* (YAO-CE No. 2001-02) on March 16, 2001. On September 7, 2003, the Categorical Exclusion was supplemented by an analysis entitled *Effects on Riparian and Marsh Communities along the Colorado River Due to Water Table Reduction in the Yuma Valley*.

DW-10 On October 6, 2003 the Secretary of the Interior adopted the Inadvertent Overrun Policy (IOP) as part of the Colorado River Water Delivery Agreement Record of Decision. See 69 Fed. Reg. 12202, 12208-09 (Mar. 15, 2004). Upon its adoption, the IOP became applicable to all of the entitlement holders in the Lower Basin States, thus this comment's statement that the IOP was "extended" to Arizona is incorrect.

Arizona was included in the modeling analysis undertaken prior to adoption of the IOP. In that analysis, future overruns within Arizona were considered negligible. The magnitude of inadvertent overrun account balances were analyzed in total, regardless of which entities were projected to incur overruns

and paybacks. This approach as part of the analysis of the LCR MSCP is consistent with the IOP analysis used for both the baseline and future flow modeling.

DW-11 The Federal agencies intend to address all covered activities identified in Chapter 2 of the BA through the programmatic section 7 consultation conducted through the LCR MSCP. At the time any formal proposal is made to go forward with future covered activities, Reclamation (or other Federal agencies) would, in coordination with the Service, conduct project-specific review to ensure consistency with the impact analysis undertaken for adoption of the LCR MSCP. Reclamation committed to undertaking this future consistency analysis in the Draft BA; for example, in BA section 2.2.2.3 (future flow-related activities). This issue has been clarified with a more general reference in BA section 1.4.2.

DW-12 See Response to Comment NWF-2.

DW-13 See Response to Comment NWF-3.

DW-14 The action area is defined in BA section 1.4.1. The BA has been revised to state that the action area is coterminous with the LCR MSCP planning area. The coverage provided by the scope of the consultation is appropriate and consistent with the coverage anticipated in the 1997 BO, which required Reclamation to participate in a long-term species conservation approach on the LCR (e.g., participation in such as the LCR MSCP as described in the 1997 BO). See 1997 BO reasonable and prudent alternative (RPA) #12 at 163.

Based on the analysis of effects, the action area and the planning area are the same. The direct and indirect effects of implementing the covered activities within the LCR MSCP planning area are described in BA sections 5.5, 5.6, and 5.7. The potential for indirect effects of implementing the covered activities outside of the LCR MSCP planning area is described in BA section 5.10. The ESA regulations define indirect effects as effects that are caused by a proposed action and are later in time, but still are reasonably certain to occur (50 C.F.R. 402.02). As described in BA section 5.10, the best available information indicates that the ongoing and future covered activities would not cause effects on listed or proposed species, nor would such potential for effects be reasonably certain to occur outside the planning area.

With respect to future covered activities, the LCR MSCP provides programmatic ESA coverage for the mainstem of the Colorado River separate from any off-river non-mainstem complementary compliance activities. This approach is consistent with previous consultations undertaken in the Colorado River Basin. For example, in previous consultations, Reclamation addressed mainstem Colorado River compliance for a change in point of diversion separate from any off river non-mainstem impacts, which were addressed through complementary compliance activities (see e.g., 2001 BO). To the extent covered projects materialize, the future areas that are not addressed in this action area may require subsequent ESA consultation. Areas outside the LCR MSCP planning

area may also be subject to independent ESA coverage (e.g., through regional conservation planning activities efforts such as the Clark County MSHCP, the San Diego County HCP or other appropriate programs' planning activities).

DW-15 See Response to Comment DW-14. With respect to the comment's reference to species outside of the territorial border of the United States, the Federal agencies have carefully developed the scope of the section 7 consultation for the LCR MSCP. Based upon the unique circumstances involving other sovereign nations, the Federal agencies have included an express limitation on requested coverage, as provided in the Draft BA, at 2-1, for any potential consultation requirement for areas within the Republic of Mexico. See Response to Comment CL-1. To the extent that any such consultation is required for such prospective covered activities, the Federal agencies will address such compliance at the time any discretionary Federal actions are actually proposed. In the future, if the activities are actually proposed for adoption, the Federal agencies would undertake specific reviews of the potential impacts of the actions at the time of the proposals, review the applicable provisions of Federal law, regulations and case law at that time, and review whether any additional section 7 consultations need to be undertaken prior to adoption of the proposed action. In contrast with ongoing operations, such covered activities may never be proposed, or proposals for such activities may be decades in the future. The Federal agencies believe that this approach will best address all appropriate foreign policy considerations at the time of any such proposed action.

DW-16 The Federal agencies have carefully developed the scope of the section 7 consultation for the LCR MSCP. Based upon the unique circumstances involving other sovereign nations, the Federal agencies have included an express limitation on requested coverage, as provided in the Draft BA, at 2-1, for any potential consultation requirement for areas within the Republic of Mexico. See Response to Comment CL-1. To the extent that any such consultation is required for such prospective covered activities, the Federal agencies will address such compliance at the time any discretionary Federal actions are actually proposed. In the future, if the actions are actually proposed for adoption, the Federal agencies would undertake specific reviews of the potential impacts of the actions at the time of the proposals, review the applicable provisions of Federal law, regulations and case law at that time, and review whether any additional section 7 consultations need to be undertaken prior to adoption of the proposed action. In contrast with ongoing operations, such covered actions may never be proposed, or proposals for such actions may be decades in the future. The Federal agencies believe that this approach will best address all appropriate foreign policy considerations at the time of any such proposed action.

Subject to this express reservation, the Conservation Plan does, in fact, provide for the conservation of covered species to address *all* Federal actions along the LCR described in Chapter 2 of the LCR MSCP BA.

DW-17 Reclamation believes that the action area is correctly defined and that the effects analysis has been appropriately described. See Response to Comments CL-1, DW-14, and DW-16.

DW-18 Reclamation and the Service strongly disagree with assertions that the May 1997 BO failed to meet the legal requirements of Federal law in any manner. In fact, this particular BO has been reviewed by the U.S. District Court for the District of Arizona (Phoenix, Arizona, 1997), the U.S. Court of Appeals for the Ninth Circuit (1998), and the U.S. District Court for the District of Columbia (Washington, D.C., 2003) and all three Federal courts have found the referenced BO consistent with applicable provisions of Federal law. Defenders of Wildlife participated in all three phases of Federal litigation.

Reclamation notes that the status of certain covered species has improved at a faster rate than anticipated at the time of the issuance of the 1997 BO. Subsequent to issuance of the 1997 BO, the Service issued a BO in 2002 (Reinitiation of Formal Section 7 Consultation on Lower Colorado River Operations and Maintenance – Lake Mead to Southerly International Boundary, Arizona, California, and Nevada, April 30, 2002) that found that the biological status of the bonytail, razorback sucker, and southwestern willow flycatcher had in fact, improved since 1997. For example, since 1997, extensive annual surveys of over 130 sites resulted in identification of several populations of breeding flycatchers. In the recent analysis it was determined that several populations show a stable and increasing trend (McKernan and Braden 2002). The comment fails to note this important information on the current status of the covered species.

It should be noted that the purpose of the 1997 BO was to provide interim coverage for the Reclamation actions under consultation while the LCR MSCP was being developed and was not intended to permanently address all of the needs of the affected listed species. The RPAs in the 1997 BO were designed to improve the status of the bonytail, razorback sucker, and southwestern willow flycatcher during that interim period and, as described in the 2002 BO (page 19), were successful in doing so.

DW-19 In their BA for the extension of the operations and maintenance consultation, Reclamation listed the status of all RPAs and reasonable and prudent measures (RPMs) required under the 1997 BO. In the 2002 BO, the status of those RPAs and RPMs was confirmed. All "continuing" RPAs and RPMs (those related to monitoring, research and reporting) had been accomplished through the term of the 1997 consultation, and provision for their implementation through the extension period was assured. The two incomplete RPAs (razorback sucker stocking and construction of isolated backwater habitats) were not completed at the time of the re-initiation. The Service agreed with Reclamation's request to provide additional time to complete these two RPAs within the time period of the extension (to April 30, 2005). Because these RPAs were not completed within the original term, Reclamation added a new conservation measure for the

razorback sucker to provide additional conservation to offset the incomplete RPAs. This measure provided for a research study to assess movements and fate of stocked razorback suckers in the reach below Parker Dam. Preliminary data from this research has documented movements and habitat uses by these stocked fish that would not have been known. This additional conservation has benefited the ongoing conservation programs.

The comment's assertion that there has been "no significant improvement" to the biological status of the species is not consistent with the best available information and Reclamation's 2002 BA, along with the Service's 2002 BO on the Continued Discretionary Operations and Maintenance of the LCR. Examples of this include the following:

- Presence/absence surveys and life history studies for the southwestern willow flycatcher have been conducted annually since 1996 for approximately 130 sites and four major life history sites. The life history studies have initially concluded that the population at these sites are steady and may be slightly increasing (McKernan and Braden 2002). Survey efforts have documented the LCR population more completely and provided new information on habitat use, nest parasitism, and predation than was known in 1997.

- 1,400 acres of suitable southwestern willow flycatcher habitat have been acquired either in fee title or through conservation easements by Reclamation.

- Interagency agreements with BLM were put in place to increase fire protection along the LCR to reduce the threat of fire to occupied southwestern willow flycatcher habitat.

- Facilities (including Willow Beach hatchery and Bubbling Ponds hatchery) were upgraded to produce and stock 50,000 razorback suckers into the LCR below Parker Dam. Restocking of the full 50,000 razorback suckers will be complete by April 30, 2005.

- As of 2002, 300 acres of backwater have been modified for native fish habitats.

- Reclamation has been involved in the ongoing razorback sucker study in Lake Mead since 1997. Tagging studies of razorback suckers have taken place since 1997. Significant new information on recruitment to the wild razorback sucker population in Lake Mead has been developed (Holden et al. 2000) that indicates some degree of successful recruitment is occurring.

- Two demonstration sites for restoration of native cottonwood-willow riparian habitat have been completed. Monitoring for riparian bird species including the southwestern willow flycatcher is currently being

conducted. To date, migratory southwestern willow flycatchers have been found to utilize both sites.

- A Yuma clapper rail management plan was completed for areas under Reclamation's management authority, and clapper rail surveys have been conducted by Reclamation yearly since 1996. These surveys, along with range-wide surveys, indicate the Yuma clapper rail may be expanding their range within the southwestern United States, including into areas such as the Las Vegas Wash and the Virgin River.

DW-20 The effects of implementing the Federal and non-Federal covered activities and the LCR MSCP are described for each covered species, including designated critical habitat within the LCR MSCP planning area, in BA sections 5.5 and 5.6, respectively. The effects determinations are summarized in BA Table 7-1. BA sections 5.5.4.4 and 5.5.6.4 have been revised to clarify the potential for impacts on bonytail and razorback sucker critical habitat, respectively.

The elements of the environmental baseline from which the potential effects of implementing the covered activities on covered species are assessed as summarized in BA section 4.3. In this section, the potential effects of implementing the covered activities on the covered species are appropriately assessed relative to the environmental baseline.

DW-21 Hydrologic modeling conducted for the Draft BA/HCP utilized the best available hydrologic information at that time. The modeling was based on actual December 31, 2002 elevations of Colorado River reservoirs and the most up-to-date, verified historic record of natural flow in the river system over the 85-year period from 1906 through 1990.

In response to this comment, Reclamation conducted additional analyses based upon modeling that utilized updated hydrologic information. The new model runs were based on the actual September 30, 2004 elevations of Colorado River reservoirs (including Lake Mead) and the most up-to-date, verified natural flow data (including years 1991 through 1995). The evaluation is published in section III of this document, and is included as Attachment E to Appendix J of Volume IV, *Appendices to Volumes I–III*, of the Final LCR MSCP documents.

The potential effects of the updated information on future LCR reservoir and river operations conditions were evaluated. The evaluation is consistent with those previously conducted and is intended to provide an indication as to whether the updated hydrologic information has an effect on the previous impact analysis in the Draft BA/HCP. In particular, this evaluation was conducted to determine the following:

- effect on Lake Mead water surface elevations,
- effect on the river corridor (Reaches 3–5), and
- effect on flows to Reach 7.

For each of these three topic areas, the evaluation presents (1) a summary of the results from the previous hydrologic modeling, (2) a summary of the results from the new hydrologic modeling,(3) a comparison of the new to previous hydrologic modeling results, and (4) an analysis of the effect of the new hydrologic modeling on biological resources.

The evaluation concluded that the inclusion of the updated hydrologic information does not identify any significant new impacts or change the conclusions of effect to covered species in the Draft BA/HCP, and that no changes are required to the Final BA, Final HCP, and Final EIS/EIR.

DW-22 The analysis of the potential effects of OM&R activities was not deleted from the effects analysis. The analysis of ongoing non-flow related OM&R activities was presented in section 5.3 of the Draft BA and the ongoing flow related impact mechanisms were discussed in section 5.2.2. The analysis of the potential effects of ongoing OM&R activities has been expanded in the Final BA through the addition of section 5.2.2.3. As discussed in section 5.2.2.3, it is difficult to disaggregate the potential effects of continuing operations from the past and continued effects of past actions in the baseline. The LCR MSCP appropriately analyzes the potential effects of ongoing OM&R activities and provides comprehensive conservation measures that address the potential effects of ongoing OM&R activities as well as future covered actions.

DW-23 Please refer to Response to Comment DW-22.

DW-24 See Response to Comment NWF-4.

DW-25 The determination of the likelihood of effects from implementing the covered activities and the LCR MSCP on each covered species and designated critical habitat is summarized in BA Table 7-1. The overall potential effects from implementing the covered activities and the LCR MSCP on each of the covered species is described in the first paragraph of each species effects analysis, set forth in section 5.5 of the BA.

BA Chapter 7 has been revised to clarify that, with implementation of the LCR MSCP Conservation Plan, any effects resulting from Reclamation's proposed discretionary and nondiscretionary activities along with the Conservation Plan would not measurably affect covered species populations.

DW-26 As described in BA Chapters 2 and 5 and HCP Chapter 4, the LCR MSCP Conservation Plan does not "double-dip" on conservation measures. A portion of the 1.574 maf change in point of diversion was covered for four currently listed species in the January 2001 BO. As part of the covered activities, under both the LCR MSCP BA and the HCP, the entire 1.574 maf change in point of diversion is included in the impact analysis for all covered species. Accordingly, it is appropriate to include the mitigation associated with those impacts as part of the LCR MSCP conservation measures.

DW-27 Hydrologic modeling conducted for the Draft BA/HCP utilized the best available hydrologic information at that time. The modeling was based on actual December 31, 2002 elevations of Colorado River reservoirs and the most up-to-date, verified historic record of natural flow in the river system over the 85-year period from 1906 through 1990.

In response to this comment, Reclamation conducted additional analyses based upon modeling that utilized updated hydrologic information. The new model runs were based on the actual September 30, 2004 elevations of Colorado River reservoirs (including Lake Mead) and the most up-to-date, verified natural flow data (including years 1991 through 1995). The evaluation is published in section III of this document, and is included as Attachment E to Appendix J of Volume IV, *Appendices to Volumes I–III*, of the Final LCR MSCP documents.

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- effect on Lake Mead water surface elevations,
- effect on the river corridor (Reaches 3–5), and
- effect on flows to Reach 7.

For each of these three topic areas, the evaluation presents (1) a summary of the results from the previous hydrologic modeling, (2) a summary of the results from the new hydrologic modeling, (3) a comparison of the new to previous hydrologic modeling results, and (4) an analysis of the effect of the new hydrologic modeling on biological resources.

The evaluation concluded that the inclusion of the updated hydrologic information does not identify any significant new impacts or change the conclusions of effect to covered species in the Draft BA/HCP, and that no changes are required to the Final BA, Final HCP, and Final EIS/EIR.

DW-28 Reclamation's annual management actions on the Colorado River rely on modeling approaches that utilize recorded hydrological data compiled over the past century. Reclamation believes that utilization of this actual hydrologic data provides the best basis for ongoing Colorado River management activities. Accordingly, Reclamation has utilized this approach as a foundation for the modeling assumptions in the LCR MSCP. For Reclamation to use a different modeling approach in the LCR MSCP would conflict with all of the other Colorado River management actions that Reclamation has taken and is currently taking. It is important to note that by periodically including additional hydrologic data, Reclamation will account for changes related to runoff patterns and or human demand. While this particular comment focuses on potential

effects of climate change on inflows into the Colorado River, this is just one of many variables that may affect runoff and demand within the Colorado River Basin. Attempting to predict global changes in climate, shifts in demographic patterns, and other factors affecting Colorado River hydrology are far more speculative than Reclamation's reliance on actual annual hydrologic data.

DW-29 Reclamation disagrees with the commenter's conclusions. Extension of the Interim Surplus Guidelines (ISG) through 2051 was included as a covered activity for the model for the purposes of future ESA coverage for any potential take associated with this identified future action. No assumption of the likelihood of extending the ISG through 2051 was made.

The inclusion or exclusion of a covered activity in the LCR MSCP does not provide any certainty regarding the likelihood of the DOI's position in the future as to the proposal or adoption of the identified action. The action's inclusion merely indicates that the impacts of the identified action have been included within the impact analysis for the LCR MSCP, and therefore ESA coverage has been sought for the planning area of the LCR MSCP.

Metropolitan's deferral of surplus in Calendar Years 2003 and 2004 is irrelevant to the question of whether Reclamation is seeking coverage for a potential extension of the ISG. Reclamation's inclusion of the potential future extension of the ISG in its identified covered activities does not indicate any position by the DOI on whether future extension of the ISG beyond 2015 is either warranted or appropriate. Likewise, inclusion of this (or any other) specific covered activity does not constitute any statement regarding the DOI's views on what positions the seven Colorado River Basin States may take on this or any other Colorado River management issue.

DW-30 This comment suggests that while the assumption of flows to the Cienega de Santa Clara is accurate, the modeling assumption should be rephrased "to remove any reference to operating the [Yuma Desalting] Plant; Reclamation may simply assume the bypass has been replaced without specifying how." Comment Letter at p. 9. If this suggestion were accepted, it would not change the technical analysis presented in Appendix J with respect to flows of the Colorado River below Hoover Dam or impacts to habitat of covered species; it would merely "assume" some unidentified future action reduced the bypass flows. It is appropriate for Reclamation's technical appendices to reference the possibility that utilization of the Yuma Desalting Plant could provide the mechanism to treat the water currently bypassed to the Cienega; this is the reason the plant was built, as provided in Minute No. 242 of the 1944 Water Treaty, and as authorized by Congress in the Colorado River Basin Salinity Control Act of 1974 (codified at 43 U.S.C. section 1571 note).

By including this reference, Reclamation is not proposing to operate the Plant, nor does the LCR MSCP attempt to quantify impacts of operation of the Plant or provide coverage for any potential impacts of Plant operation on listed species.

The LCR MSCP BA need not consider the effects of potential future operation of the Plant merely because of this modeling reference. As explained in the Draft BA at Chapter 5, page 5-4, a depletion of 120,000 afy from 2003–2020 was assumed in the model to represent the water that is currently bypassed to the Cienega de Santa Clara. The model further assumes that this depletion will be reduced to 52,000 afy beginning in 2023. As noted in Appendix J, this assumption is intended only to provide a thorough and comprehensive accounting of Lower Basin water supply and does not assume that operation of the Plant will occur.

DW-31 This statement provides the commenter's conclusions with respect to the specific comments that follow. See Response to Comments DW-32 through DW-62. For reasons including those summarized in the following responses, the participating agencies disagree with the legal conclusions embodied in this comment.

DW-32 The purpose of the HCP is to provide a basis for the Service to issue a section 10(a)(1)(B) permit for incidental take. Such a permit may be issued to authorize take otherwise prohibited by section 9 of the ESA, however, section 9 only applies to take within the United States or the territorial sea of the United States. For that reason, the HCP does not include the Colorado River below the Southerly International Boundary.

With the construction of dams to control flooding of the Colorado River, the Salton Sea basin is no longer fed by meanders and floods of the river and for that reason was not included in the HCP.

See Responses to Comments EPA-3a, CL-1, DW-14, and DW-16 (addressing the geographic scope of the analysis in the BA).

DW-33 As indicated in the LCR MSCP Conservation Plan, LCR MSCP conservation measures are not proposed for implementation in Mexico. Draft EIS/EIR Figure 2.1-7, HCP Figure 3-8, and BA Figure 4-8 correctly depict the LCR MSCP planning area boundary, but are overlaid on a U.S Geological Survey (USGS) base map from an earlier date. A note has been added to these figures explaining that the U.S.-Mexico border is based on the centerline of the Colorado River channel, which has changed over time. Thus, while the habitat appears to be located in Mexico, this is a function of overlaying a more current map on an older map.

DW-34 All of the covered activities described in HCP Chapter 2 and BA Chapter 2 will be implemented within the LCR MSCP planning area. The HCP has been revised to clarify that the drain and canal maintenance activities described in HCP Chapter 2 only include maintenance of drains and canals within the LCR MSCP planning area.

DW-35 The Final EIS/EIR was revised to exclude the language regarding implementing conservation measures on tributaries to the mainstem Colorado River in

Alternative 1. Potential effects of implementing Conservation Plan measures outside of the LCR MSCP planning area are described under the effects analysis for Alternative 4.

DW-36 Section 3.4.2.1 in the Final EIS/EIR section has been revised to reflect that habitat loss is not the sole factor or basis for calculating take levels (see also HCP Table 4-6).

DW-37 This statement provides the commenter's conclusions with respect to the specific comments that follow. See responses to specific comments that follow this summary comment.

DW-38a The avoidance and minimization measures described in HCP section 5.6.1 have been revised to include greater specificity regarding avoidance and minimization actions that would be implemented, as appropriate, for the types of activities covered under the HCP. A summary of how the Conservation Plan would minimize and mitigate effects of covered activities to the maximum extent practicable is provided in HCP section 5.9.

DW-38b The conservation measures do not rely on uncertain actions or inadequate water rights. The LCR MSCP HCP intends to coordinate implementation of the Conservation Plan with all relevant recovery implementation programs to ensure that benefits of implementing the LCR MSCP and species recovery programs for covered species are maximized. The LCR MSCP would implement the conservation measures using the adaptive management principles described in HCP section 5.12 in coordination with the Service. Also see Responses to Comments AGFD-6, AGFD-21, CL-1, NWF-10, and DW-48.

DW-39 The LCR MSCP correctly identifies a variety of mechanisms for creating and maintaining habitats in perpetuity. The specific appropriate mechanism for securing permanent mitigation sites would depend primarily on landownership (e.g., establishing permanent mitigation on Federal lands would require a different mechanism than establishing permanent mitigation sites on private lands).

As described in HCP section 5.10, the timing of implementing LCR MSCP covered activities and conservation measures cannot be specifically identified at this time because of uncertainties regarding when the need to implement a specific covered activity may materialize and the time required to collect detailed information necessary to ensure that created habitats are successfully established. Although not required under the ESA, the LCR MSCP intends, as described in HCP section 5.10, to create habitat in advance of when impacts of future covered activities are incurred.

HCP section 5.4.2 describes the process whereby the LCR MSCP would develop detailed criteria in conjunction with the Service and identifies a set of more general, broad-based criteria from which they would be developed. The level of commitment to maintain existing habitat is established as the amount of habitat

that can be maintained by the $25 million LCR MSCP initial contribution within the first 10 years following HCP approval, plus the interest accrued on the initial contribution over the term of the LCR MSCP.

This comment incorrectly states that the 37,526 acres of initially identified conservation areas described in HCP Table 5-6 and the additional 270,500 acres of agricultural lands represent nearly the entire 717,814-acre LCR MSCP planning area (HCP Table 3-8). The 30 initially identified conservation areas identified in HCP Table 5-6 are lands for which sufficient information has been previously developed (both by the LCR MSCP and others) to indicate that site conditions suitable for creating habitat are likely present, but for which additional site analysis would be required to confirm their suitability. Other lands in the LCR MSCP planning area for which preliminary site information is not available also are likely suitable for creation of habitats. Most agricultural lands within the LCR MSCP planning area are presumed to support soils, water sources, and topography that would also be suitable for creating habitat. HCP section 5.5.1 has been revised to indicate that, based on the best available information, there are sufficient lands available within the LCR MSCP planning area to ensure the creation of 8,132 acres under the LCR MSCP.

Impacts of implementing the covered activities would occur in all river reaches. As described in Final HCP Table 5-5, however, LCR MSCP habitats that would be created for each species must be created within reaches of the river that are occupied by and accessible to the species. The only exception to this tenet would be areas where backwaters would be created where the bonytail currently are not present, but would be stocked in the future under the LCR MSCP.

In addition, habitats created for species with restricted ability to move among habitat patches (e.g., Colorado River cotton rat) must be located near known occupied habitat to facilitate the future occupancy of the created habitat. Consequently, we have not included a site selection criterion (HCP section 5.5.1) emphasizing the need to locate created habitats near impacted habitats, but instead have focused on proximity to occupied habitat.

DW-40 See Response to Comment CDFG-56.

DW-41 The only reason that the stocking targets identified in the Conservation Plan to benefit razorback suckers and bonytail would not be undertaken is if, over the term of LCR MSCP implementation, other approaches to conservation of these species are identified that would provide greater biological benefit to these species.

As described in HCP section 5.12.2.2, the conservation measures to stock bonytail and razorback sucker are designed as adaptive management experiments. A sufficient number of fish would be tagged and stocked early in LCR MSCP implementation to provide a statistically valid basis for conducting bonytail and razorback sucker monitoring and research studies. Monitoring and research would be implemented to collect the information necessary to eliminate existing

uncertainties regarding the ecology and management needs for these species in the LCR including, as described in HCP section 5.12.2.2, determining the key environmental correlates affecting survival, growth, movement, and reproduction of the bonytail and razorback sucker (e.g., key habitat [e.g., depth, velocity, channel form, cover, substrate], continuity, water temperature, food, predation). The number of bonytail and razorback suckers that would be stocked over the term of the LCR MSCP may change if results of monitoring and research indicate that the funds provided for rearing and stocking these species would make a greater contribution towards their recovery if they were redirected towards implementing other types of management actions (see HCP section 5.12.2.2). If results of monitoring and research indicate, however, that continued stocking of bonytail and razorback sucker is the most effective management action for contributing towards the recovery of these species, the full level of stocking described in HCP sections 5.7.4.2 and 5.7.6.2 would be undertaken. See also Response to Comment CDFG-56.

DW-42 See Response to Comment DW-38b.

As described in Response to Comment CDFG-56, the most important measure that can be undertaken at this time to mitigate effects and help ensure the eventual recovery of bonytail and razorback sucker is to augment the existing populations to reverse the current downward trend in abundance. The LCR MSCP would replace affected covered fish habitat with higher value habitat that would be managed to exclude nonnative fish predators/competitors. Because these species are not currently habitat limited in the LCR (i.e., establishing more habitat would not increase species abundance), the LCR MSCP correctly emphasizes stocking bonytail and razorback sucker rather than creating additional habitat. The conservation measures, therefore, are consistent with and complement reasonable and prudent measures included in previous BOs for activities on the LCR.

DW-43 The minimum performance criteria for created yellow-billed cuckoo habitat is presented in HCP Table 5-3, and the initial design and management concepts for created yellow-billed cuckoo habitat are described in HCP section 5.7.14.2. As described in HCP sections 5.6.2, 5.11, and 5.12, the LCR MSCP would undertake monitoring and research to better define the habitat requirements of and to refine habitat creation and management methods for covered species, including the yellow-billed cuckoo, through the LCR MSCP adaptive management process. Based on monitoring and research results, including relevant new information developed by others, the LCR MSCP is committed to adjusting habitat creation and management methods over the term of the LCR MSCP where such adjustments would improve the function of created habitats and are consistent with the adaptive management process described in HCP section 5.12.

DW-44 See Response to Comment NWF-8.

DW-45 See Response to Comment NWF-9.

DW-46 The LCR MSCP is intended to provide ESA incidental take coverage for covered activities for agencies within the states of Arizona and Nevada, along with covered activities of participating Federal entities (which include implementation of the Conservation Plan). These aspects of the program are not subject to the California statutory provisions referenced in the comment.

Issuance of an incidental take permit pursuant to 16 U.S.C. section 1538(a)(1) does not authorize a California permittee to violate California laws.

DW-47 The Clark County MSHCP provides mitigation for the sticky buckwheat and threecorner milkvetch to achieve the following goals: (1) no net unmitigated loss or fragmentation of habitat in Important Management Areas (IMAs) and Less Important Management Areas (LIMAs) and (2) maintain stable or increasing population numbers. While this level of conservation adequately addresses the covered activities in the Clark County MSHCP, it does not provide for other types of conservation that may be identified as needed for the species. The LCR MSCP contribution to the Rare Plant Work group would provide funding for conservation actions that would not be covered by the Clark County MSHCP.

We have revised sections 5.7.26 and 5.7.27 of the HCP to make it clear that we are providing funding for conservation measures identified in the Clark County MSHCP that are beyond the permit requirements of that program. The LCR MSCP agrees with the commenter that the $10,000 mitigation per year would not be counted as mitigation for the County MSHCP, but would instead be counted as mitigation for the LCR MSCP.

DW-48 The LCR MSCP documents have assumed the use of Colorado River water for implementation of the Conservation Plan in order to fully evaluate the potential for effects within the planning area. It was reasonable for the Draft EIS/EIR documents to assume the use of Colorado River water for a number of reasons, including proximity of likely conservation sites to the Colorado River, the available normal-year water supply of 7.5 maf, the presence of four National Wildlife Refuges with decreed water rights within the planning area, among other factors. Information on the effects of water use for habitat creation and maintenance is contained in section 3.9.2.1 of the Final EIS/EIR. The referenced information in Appendix N is not intended to indicate that the only potential source of water to accomplish the conservation measures in the LCR MSCP is mainstem Colorado River water. Non-Colorado River water supplies (either groundwater or surface water) may also be available and used to implement the conservation measures of the LCR MSCP.

The water supplies necessary to create and maintain the appropriate habitat function for the LCR MSCP conservation sites would be managed and utilized by Reclamation in its role as the implementing agency for the LCR MSCP. The water needed for the creation and maintenance of the LCR MSCP conservation measures would be obtained and used consistent with applicable provisions of law and existing entitlements. To the extent there are applicable limitations on

the availability of Colorado River water, there are a number of approaches that may be available to provide water necessary for the proposed conservation areas. For example, in prior circumstances, legal agreements have allowed the use of Colorado River supplies as part of an exchange of water from non-Colorado River sources (e.g., Colorado River Water Delivery Agreement, at Ex. B [Oct. 10, 2003] [published at 69 FR 12202, March 2004]). In this circumstance, while Colorado River water is in fact used for mitigation purposes by exchange, accounting of such water is consistent with applicable laws.

Acquiring the necessary water supplies to establish the 8,132 acres of restored habitat is one of the critical functions of Reclamation and the Program Manager and staff. First, the conservation area site selection criteria (described in HCP section 5.5.1) are intended to be utilized to aid in identification of sites that contain the following characteristics: (1) are biologically or ecologically important; (2) contain suitable site conditions; (3) contain requisite infrastructure; (4) have feasible land acquisition mechanisms (e.g., leasing or purchase); (5) and are associated with an adequate and assured water supply, or feasible mechanisms are available to acquire water and transfer it to the restored site. Consequently, the availability of an adequate and assured water supply is an inherent part of the process for selecting the sites for conservation measures to be implemented.

Prior to implementation of specific conservation measures, a site-specific assessment would be conducted to evaluate potential effects, including those related to water supply and water quality. The site selection criteria utilized in identifying the conservation areas selected for restoration require a thorough evaluation of potential sources and adequacy of water supply to meet the biological and ecological goals and objectives. The evaluation of the site selection criteria would include consideration of any acquired water supply.

DW-49 See Response to Comment NWF-10.

DW-50 The USIBWC's Lower Colorado River Boundary and Capacity Preservation Project is not a covered activity for the LCR MSCP, nor does the LCR MSCP Conservation Plan provide mitigation for the USIBWC's project.

As discussed in section 4.1 of the LCR MSCP EIS/EIR, the cumulative impact analysis evaluates whether the implementation of the Conservation Plan would have cumulative impacts when combined with other projects. The Conservation Plan would have long-term beneficial impacts on biological resources, and therefore, would not contribute to a long-term cumulative impact on biological resources regardless of the scope of biological impacts caused by other projects. For that reason, the following statement in the Final EIS/EIR is correct: "The extent to which long-term impacts on biological resources would occur as a result of the USIBWC project is not known at this time, but the long-term impacts of the proposed action would be beneficial and would not contribute to a cumulative impact in combination with the development project."

The LCR MSCP participants disagree with the comment that Reclamation's Yuma Area Water Resources Management Group Drainage Project would have cumulative impacts on Reach 7 of the Colorado River for the reasons stated in Response to Comment DW-9.

DW-51 See Response to Comment NWF-10.

DW-52 The participating agencies respect the efforts of the Cocopah Indian Tribe to address the biological resources of their reservation lands. As described in the Response to Comment NWF-10, LCR MSCP conservation areas would be selected through application of the site selection criteria described in the HCP section 5.5.1 and could include, on a voluntary basis, activities undertaken by others, such as the Cocopah Indian Tribe.

DW-53 See Response to Comment NWF-11.

DW-54 See Response to Comment NWF-12.

DW-55 See Response to Comment NWF-13.

DW-56 The LCR MSCP participants believe, as described in HCP section 5.9, that the Conservation Plan mitigates the effects of the covered activities and the Conservation Plan to the maximum extent practicable. The LCR MSCP disagrees with the commenter's legal conclusions regarding the standard "maximum extent practicable."

The HCP includes a discussion in Chapter 9 of other mitigation and minimization measures that were considered and rejected. The commenter does not suggest any additional measures that could be undertaken, with the exception of burrowing owl, which is not a covered species.

The Glen Canyon Dam Adaptive Management Program cannot provide funding for all potential conservation activities that would benefit the humpback chub in the Grand Canyon. However, the Program scientists do look at the entire conservation need of the species, and can identify worthwhile projects that are outside of the scope of the Program that could be funded by the LCR MSCP. Provision of funds to the Program for implementation of these conservation projects will contribute to the conservation of the humpback chub. The level of conservation provided by the LCR MSCP for the humpback chub is adequate to fully mitigate the amount of incidental take resulting from the covered activities.

The comment correctly notes that there is not a specific finding that "conservation activities in the Colorado River delta [in the Republic of Mexico] are impracticable." It is not the role of agencies, or any entity, in the United States to make a determination of the practicability of conservation measures in the Republic of Mexico.

The United States and the Republic of Mexico undertake many bi-national conservation projects, and the United States remains committed to undertaking such activities when consistent with national policy. The participating agencies do not, however, believe it would be appropriate for the LCR MSCP to rely on implementation of potential conservation measures in the Republic of Mexico as a basis for section 7 or section 10(a)(1)(B) compliance for covered activities within the United States (such as the ongoing operation of Hoover Dam and associated facilities).

To the extent that the United States and the Republic of Mexico undertake bi-national conservation activities in Mexico in the future, (whether in the Colorado River delta or elsewhere), such actions could complement the extensive conservation measures in Arizona, California and Nevada that are described in Chapter 5 of the HCP.

See also Response to Comment DW-47 (regarding conservation measures for sticky buckwheat and threecorner milkvetch).

DW-57 On August 17, 2004, during the public comment period, representatives of the States of Arizona, California, and Nevada submitted formal letters of financial commitment to the Secretary of the Interior in which they committed to "share the agreed upon LCR MSCP costs equally with the United States on a 50/50 Federal/non-Federal basis." With final approvals from their respective boards and commissions, they agree to memorialize this commitment "in a manner that meets the Service requirements for firm and clear funding assurances to support implementation of the program." These letters are attached in section II of this volume. The commitments memorialized in these letters have been incorporated into the relevant program agreements as described in the LCR MSCP HCP, and described below.

The estimated cost of the LCR MSCP is $626 million in 2003 dollars over the 50-year term of the program. This cost includes funding for land and water acquisition, habitat creation and management, species-specific conservation measures, protection measures for existing habitat, monitoring and research, and program administration. The funding commitments include increases in the funding support to match the effects of inflation on program costs and ensure full funding over the program's term. The funding would be provided by Federal, state, and local government agencies and entities that would receive incidental take authorizations under sections 7 and 10(a)(1)(B) of the ESA as part of the LCR MSCP.

In the event that program costs exceed the estimated amounts, the FMA and IA address the responsibility for such increased costs. A description of the funding assurances for the LCR MSCP is set forth in Chapter 7 of the HCP. A Draft Final FMA is attached as Exhibit A to the HCP and a Draft Final IA is attached as Exhibit B to the HCP.

As described in Draft HCP section 5.4.3 (page 5-11) the Conservation Plan describes the LCR MSCP's commitment for maintaining habitats created as mitigation for permanent impacts of covered activities, as appropriate, in perpetuity. As described in HCP Chapter 7, the LCR MSCP provides funding and funding mechanisms sufficient to fully implement the conservation plan consistent with the regulations set forth 50 C.F.R. Part 17, thus assuring that the mitigation would be implemented.

DW-58 Issuance of an incidental take permit pursuant to 16 U.S.C. section 1538(a)(1) does not authorize a permittee to violate other laws.

CDFG reviewed the LCR MSCP in light of State fully protected species laws and State enacted legislation. In a letter from Michael R. Valentine, General Counsel, California Department of Fish and Game to Steve L. Spangle, Field Supervisor, U.S. Fish and Wildlife Service, dated April 14, 2004, he concluded "In summary, the Department has the authority to authorize take of fully protected species under the LCR MSCP, because existing statutes, as well as non-codified legislative language, show that the Legislature intended to allow the Department broad discretion to authorize the take of fully protected species to help California meet its commitment to reduce its use of Colorado River water, and to allow take in and around the LCR, including activities under the LCR MSCP."

DW-59 See Response to Comment DW-58. California Fish and Game Code section 2081.7 requires a determination by the CDFG rather than the Service. The determination would be required when the applicants to whom California law is applicable seek to obtain authorization from the CDFG for take under California law.

DW-60 The LCR MSCP Final EIS/EIR section 7.1.3 has been revised to reference the California Endangered Species Act (CESA). The LCR MSCP activities conducted by project participants from the states of Arizona and Nevada and the Federal participating agencies are not subject to California permitting requirements, including CESA. California participating entities will evaluate their obligations under California law and will comply with those laws as applicable. Issuance of an incidental take permit pursuant to 16 U.S.C. section1538(a)(1) does not authorize a California permittee to violate California laws.

DW-61 When the Draft EIS/EIR was published, no Draft IA was available that represented the positions of the Federal and non-Federal entities participating in the LCR MSCP. There is no legal (statutory or regulatory) requirement to publish the IA prior to issuance of a section 10 permit. Aspects of the covered activities and the Conservation Plan relative to the section 10(a)(1)(B) permit requirements were made available for the comment period and were published in the Draft EIS/EIR, Draft BA, and Draft HCP. Any approved HCP must meet the statutory and regulatory provisions regarding assurance of funding.

On August 17, 2004, during the public comment period, representatives of the States of Arizona, California, and Nevada submitted formal letters of financial

commitment to the Secretary of the Interior in which they committed to "share the agreed upon LCR MSCP costs equally with the United States on a 50/50 Federal/non-Federal basis." With final approvals from their respective boards and commissions, they agree to memorialize this commitment "in a manner that meets the Service requirements for firm and clear funding assurances to support implementation of the program." These letters are attached in section II of this volume. The commitments memorialized in these letters have been incorporated into the relevant program agreements as described in the LCR MSCP HCP.

A Draft Final IA is attached as Exhibit B to the Final HCP. The JPA is now entitled the "Funding and Management Agreement." A Draft Final FMA is attached as Exhibit A to the Final HCP.

The Department regrets any confusion caused by including the words "Implementing Agreement" in the title of the Federal Register notice.

DW-62 The Federal agencies consulting with the Service under section 7 of the ESA are not requesting and cannot be granted no surprises assurances. In accordance with the ESA, Reclamation and other participating Federal agencies will be subject to reconsultation requirements, if warranted by future conditions.

The section 10(a)(1)(B) permit applicants will request "No Surprises" assurances for covered species through submission of the section 10(a)(1)(B) permit application. The Service will review the request and will provide or not provide the requested "No Surprises" assurances based on review of the LCR MSCP HCP and the Service's policy for issuance of "No Surprises" assurances in effect during the permit application review period.

The Service guidance for this post-court order period states that applicants may continue to prepare their HCP documents with requests for "No Surprises" assurances and submit them to the Service for processing. Until such time as the new rulemaking on Permit Revocation Rules is complete, the Service is prohibited from approving new incidental take permits containing "No Surprises" assurances. Language in the terms and conditions of the permit may reference "No Surprises" assurances requested, but specifically defines that they are not enforceable.

DW-63 The Final BA has been modified as suggested.

DW-64 The LCR MSCP documents were provided on the LCR MSCP website (www.lcrmscp.org), on CD and, in some instances, as paper copy for public review and comment. Please refer to either the website or CD provided earlier to view the table inadvertently missing from your paper copy.

DW-65 The reference to 915 above mean sea level (msl) is an error. The modeling used for the draft program documents was based upon the correct shortage level of 950 feet msl. The Final BA has been revised to address this comment.

DW-66 The LCR MSCP documents were provided on the LCR MSCP website (www.lcrmscp.org), on CD and, in some instances, as paper copy for public review and comment. Please refer to either the website or CD provided earlier to view the table inadvertently missing from your paper copy.

DW-67 The LCR MSCP documents were provided on the LCR MSCP website (www.lcrmscp.org), on CD and, in some instances, as paper copy for public review and comment. Please refer to either the website or CD provided earlier to view the table inadvertently missing from your paper copy.

DW-68 The Final BA has been revised to address this comment.

DW-69 The Final BA has been revised to address this comment.

DW-70 The Final BA has been revised to address this comment.

DW-71 The Final BA has been revised to address this comment.

DW-72 The Final BA has been revised to address this comment.

DW-73 See Response to Comment DW-33.

DW-74 The LCR MSCP documents have been revised to ensure species names are correct.

DW-75 The LCR MSCP documents have been revised to include the correct species conservation measure code designations.

DW-76 The text has been updated.

DW-77 See Response to Comment NWF-10.

DW-78 Your comments have been addressed, as appropriate, in the Final LCR MSCP documents.

Environmental Defense (Env. D), August 18, 2004

Env. D-1 See Response to Comment NWF-10.

Env. D-2 See Response to Comment NWF-11.

Env. D-3 See Responses to Comments NWF-12 and NWF-13.

Env. D-4 Comment noted.

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INDIVIDUALS

Comment Responses

Robert S. Lynch & Associates (RSLA), August 18, 2004

RSLA-1 Your comment is noted. The LCR MSCP is intended to be a comprehensive program by which the Federal agencies and the non-Federal parties are achieving all relevant ESA obligations for the covered species regarding the covered activities within the LCR MSCP planning area. The DOI considers the comment's reference to the nondiscretionary duty of the Secretary to capturing water in Lake Mead behind Hoover Dam to be a reference to the nondiscretionary injunction imposed by the U.S. Supreme Court in its Decree entered in *Arizona v. California.* In addition, the DOI considers the comment's reference to the release of water from Morelos Diversion Dam to refer to the United States nondiscretionary duties pursuant to the 1944 Water Treaty. These issues have been directly addressed in *Arizona v. California*, 376 U.S. 340 (1964); *Defenders of Wildlife v. Babbitt*, 130 F.Supp. 2d 121 (2001); and *Defenders of Wildlife v. Norton*, 257 F.Supp. 2d 53 (2003).

Inclusion of the full pool elevation of Lake Mead (Reach 1) is appropriate because some of the Federal and non-Federal covered activities (see BA Chapter 2 and HCP Chapter 2) may affect reservoir elevations at Lake Mead. Similarly, inclusion of Reach 7 is appropriate because Federal and non-Federal non-flow-related covered activities would be implemented in this reach. In addition, conservation areas could be established in Reach 7 as well.

RSLA-2 Section 10(a)(1)(A) permits would not meet the purpose and need of the proposed action. Based on guidance received from the Service, project Applicants elected to submit a section 10(a)(1)(B) permit application. If a section 10(a)(1)(B) permit is issued, the Service and the implementing entity will evaluate the need to issue section 10(a)(1)(A) permits for implementation of the monitoring and research component of the Conservation Plan.

RSLA-3 Both NEPA and CEQA require the consideration of a "no action" or "no project" alternative (40 C.F.R. 1502.14[d]; 14 Cal. Code of Regs. 15126.6[e]). The analysis must take into account the predictable actions by others if the proposed action is not implemented. The lead agencies disagree with the commenter's assertion that the true "no action" alternative would be to do nothing. It is reasonable to expect that individual agencies would seek to comply with existing legal requirements on a case-by-case basis if the LCR MSCP is not implemented, as they have in the past. It is also reasonable to expect that most of the actions proposed for incidental take authorizations will be implemented during the term of the LCR MSCP.

Absent proceeding with the LCR MSCP, for the participating Federal agencies, it is expected that consultations will be initiated and concluded in accordance with section 7 of the ESA. However, the text of section 2.1.2 of the Final EIS/EIR has been revised to include the reasonable possibility that potential non-Federal permittees would conclude that they do not require a section 10(a)(1)(B) permit for their actions, either because they choose not to implement those actions or

they determine that their actions do not cause incidental take of protected species.

The LCR MSCP provides an alternative to the existing action-by-action approach to endangered species permitting. It offers a comprehensive conservation program that will afford far greater benefits to covered species than the project-by-project review for Federally listed species that would occur under the no action alternative.

RSLA-4 See Response to Comment EPA-12.

RSLA-5 Your name will be retained for the Final EIS/EIR mailing list.

B. Sachau (BS), July 2, 2004

BS-1 Cessation of diversion of water from the Colorado River is not reasonable, feasible, consistent with applicable law, or within the scope of the LCR MSCP. Please see Response to Comment CDFG-2.

HCP section 5.6.1 includes avoidance and minimization measures to reduce the likelihood or impacts on the covered species. EIS/EIR section 3.4.2 includes mitigation measures that would avoid and minimize impacts of implementing the LCR MSCP HCP on special status species, covered species, and other sensitive species.

As indicated in Chapter 1 of the EIS/EIR, the LCR MSCP EIS/EIR does not revisit the authorization of any ongoing covered activity (including water diversions). Rather, it is limited to assessing the impacts of the ESA take authorization being requested for the covered activities and the impacts that would result from implementation of the Conservation Plan. Finding replacement water sources is outside the scope of the proposed action.

Carey L. Ochs (CO), July 21, 2004

CO-1 As described in HCP section 1.4.4, the LCR MSCP is seeking ESA compliance for the Federal and non-Federal covered activities described in BA Chapter 2 and HCP Chapter 2, respectively, for the next 50 years. The 50-year term of the LCR MSCP was established to allow for the implementation of all the BA and HCP covered activities and the successful implementation of the LCR MSCP Conservation Plan (for example, full development of functions of created habitat). In addition, HCP section 5.12 describes the adaptive management process under which the Conservation Plan will be implemented. This section provides for periodic evaluation of its implementation, including the implementation schedule.

The concerns regarding water sport impacts are noted. Impacts to recreational activities are addressed in section 3.15.2 of the EIS/EIR. As indicated in this section, developed and heavily used recreational areas would not be suitable for

habitat establishment and thus would not be directly affected by the proposed action. Thus, no changes to currently established recreation areas would result from implementation of the Conservation Plan. The section also notes that water-based recreation generally would not be affected by implementing the Conservation Plan because the water surface elevation of the Colorado River would not be changed, and the use of boating areas would not be restricted.

CO-2 See Response to Comment CO-1.

Dennis Bell (DB), June 26, 2004

DB-1 We will notify you of the availability of the Final EIS/EIR when it is released.

Common Letter (CL), August 11, 2004

CL-1 The geographic scope of the LCR MSCP is appropriate. It is possible to accomplish ESA conservation obligations through a conservation plan focused within the United States. Implementation of the proposed Conservation Plan within the United States would benefit covered species, including those that are associated with riparian and marsh communities, that migrate or otherwise have the ability to move between Mexico and the United States.

Extending the LCR MSCP to address habitat within the sovereign nation of Mexico is not consistent with the international relations between the United States and the Republic of Mexico or the relevant provisions of the ESA (see ESA section 8). Numerous bi-national efforts for cooperation on environmental conservation programs between the United States and the Republic of Mexico have been undertaken between the two nations and are currently underway. The Federal agencies and the non-Federal parties are achieving all relevant ESA obligations for the covered species regarding the covered activities within the LCR between the full pool elevation of Lake Mead to the Southerly International Boundary with Mexico. The United States has not ignored the existence of the Colorado River Delta within the Republic of Mexico; in fact the two nations are actively working on issues regarding the Mexican Delta pursuant to, among other processes, a binational agreement pursuant the 1944 Water Treaty (see Minute No. 306 of the 1944 Water Treaty, available at http://www.ibwc.state.gov). A recent Federal court decision regarding this issue concluded that Reclamation does not have a duty to consult pursuant to section 7 of the ESA for its actions in delivering water within the Lower Basin of the Colorado River to Mexico pursuant to 1944 Water Treaty. See *Defenders of Wildlife v. Norton*, 257 F.Supp. 2d 53 (2003). The approaches embodied in the LCR MSCP are consistent with, and rely upon the findings of the court in this case.

CL-2 The LCR MSCP is not a commitment to an undefined goal of restoration of historical conditions. Rather, the LCR MSCP represents a comprehensive plan by which the Federal agencies and the non-Federal parties are achieving all

relevant ESA obligations for the covered species regarding the covered activities within the LCR MSCP planning area.

Implementation of the LCR MSCP does protect and improve habitat for populations of the covered native species, as well as for other native species whose habitats would be provided by the created LCR MSCP land cover types. In this respect, the LCR MSCP is a commitment to, in part, the restoration of historic conditions in the LCR MSCP planning area (i.e., the presence of native species and native riparian, marsh, and backwater land cover types).

The LCR MSCP must be undertaken in light of existing and applicable statutory obligations (e.g., operation of the Boulder Canyon Project and associated works on the LCR). Federal law precludes undertaking many of the actions that would be required to return the LCR to predevelopment conditions, such as the removal of dams and appurtenant works.

The LCR MSCP is designed to contribute to the recovery of listed species and reduce the likelihood for future listing of non-listed species, which includes restoration of some elements of the historical ecosystem.

Implementation of the LCR MSCP does not preclude and, indeed, would complement, the development of other conservation programs in the future that would also restore portions of the historical LCR ecosystem. Also see Response to Comment CDFG-56.

CL-3 When the Draft EIS/EIR was published, no Draft IA was available that represented the positions of the Federal and non-Federal entities participating in the LCR MSCP. There is no legal (statutory or regulatory) requirement to publish the IA prior to issuance of a section 10(a)(1)(B) permit. Aspects of the covered activities and the Conservation Plan relative to the section 10(a)(1)(B) permit requirements were made available for the comment period and were published in the Draft EIS/EIR, Draft BA, and Draft HCP. Any approved HCP must meet the statutory and regulatory provisions regarding assurance of funding.

On August 17, 2004, during the public comment period, representatives of the States of Arizona, California, and Nevada submitted formal letters of financial commitment to the Secretary of the Interior in which they committed to "share the agreed upon LCR MSCP costs equally with the United States on a 50/50 Federal/non-Federal basis." With final approvals from their respective boards and commissions, they agree to memorialize this commitment "in a manner that meets the Service requirements for firm and clear funding assurances to support implementation of the program." These letters are attached in section II of this volume. The commitments memorialized in these letters have been incorporated into the relevant program agreements as described in the LCR MSCP HCP.

A Draft Final IA is attached as Exhibit B to the Final HCP. A Draft Final FMA is attached as Exhibit A to the Final HCP.

J.C. Martin I (JMI), August 16, 2004

JM1-1 Comment noted.

J.C. Martin II (JM2), August 16, 2004

JM2-1 Comment noted.

Mark Belles (MB), July 13, 2004

MB-1 Your name will be retained for the Final EIS/EIR mailing list.

MB-2 The portion of the LCR between the full pool elevation of Lake Mead and Glen Canyon Dam will not be affected by the covered activities. Therefore, this reach of the LCR is not included as part of the LCR MSCP. Aspects of conservation in this reach of the LCR are under the aegis of the Glen Canyon Dam Adaptive Management Program pursuant to the Grand Canyon Protection Act of 1992 (see Pub. L. No. 102-575, 106 Stat. 4600, Tit. XVIII, Oct. 30, 1992). Implementation of covered activities within the LCR MSCP planning area will have no effects on the LCR reaches extending from Glen Canyon Dam to the full pool elevation of Lake Mead. Also see Response to Comment EPA-3a.

MB-3 The operation of Glen Canyon Dam is not a covered activity of the LCR MSCP. Its effects on downstream resources are covered by a separate series of NEPA documents and an ongoing adaptive management program pursuant to the Grand Canyon Protection Act of 1992 (see Pub. L. No. 102-575, 106 Stat. 4600, Tit. XVIII, Oct. 30, 1992).

This comment and the following comments from this commenter provide information to support the commenter's position to study removal of Glen Canyon Dam. With respect to this issue, Congress has specifically required that "No funds appropriated for the Department of the Interior, by this Act or any other Act, shall be used to study or implement any plan to drain Lake Powell or to reduce the water level of the Lake below the range of water levels required for the operation of the Glen Canyon Dam" (PL 108-108 Sec. 132, signed 11/10/03).

MB-4 See Response to Comment MB-3.

MB-5 See Response to Comment MB-3.

MB-6 See Response to Comment MB-3.

MB-7 See Response to Comment MB-3.

MB-8 See Response to Comment MB-3.

MB-9 See Response to Comment MB-3.

MB-10 See Response to Comment MB-3.

MB-11 See Response to Comment MB-3.

MB-12 See Response to Comment MB-3.

MB-13 See Response to Comment MB-3.

MB-14 Comment noted. See Response to Comment MB-3.

MB-15 See Response to Comment MB-3.

Margaret Adam (MA), August 11, 2004

MA-1 See Response to Comment CL-1.

MA-2 See Response to Comment CL-2.

MA-3 See Response to Comment EPA-12.

Bobbie Flowers (BF), August 12, 2004

BF-1 See Response to Comment CL-1.

BF-2 See Response to Comment CL–2.

BF-3 See Response to Comment EPA-12.

Donald Lipmanson (DL), August 15, 2004

DL-1 See Response to Comment CL-1.

DL-2 See Response to Comment CL-2.

DL-3 See Response to Comment DW-61.

Ann Pinkerton (AP), August 16, 2004

AP-1 See Response to Comment CL-1.

AP-2 See Response to Comment CL-2.

AP-3 See Response to Comment DW-61.

Diana Singleton (DS), August 15, 2004

DS-1 See Response to Comment CL-1.

DS-2 See Response to Comment CL-2.

DS-3 See Response to Comment DW-61.

Alanna Louin (AL), August 16, 2004

AL-1 See Response to Comment CL-1.

AL-2 See Response to Comment CL-2.

AL-3 See Response to Comment CL-2.

AL-4 See Response to Comment DW-61.

Christel Allacher (CA), August 16, 2004

CA-1 See Response to Comment CL-2.

Terry Woods (TW1), August 15, 2004

TW1-1 Comment noted.

Terry Woods (TW2), August 15, 2004

TW2-1 See Response to Comment CL-1.

TW2-2 See Response to Comment CL-2.

TW2-3 See Response to Comment DW-61.

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PUBLIC HEARINGS

Transcript Responses

Henderson, Nevada (Henderson), July 20, 2004

Henderson-1 The LCR MSCP is designed to restore and improve conditions for 27 covered species through a combination of conservation measures that would be implemented by the participating agencies over the 50-year term of the program. The LCR MSCP, however, is not designed to modify conditions on the LCR to replicate those that existed prior to development of the infrastructure and facilities built over the past century. As described in HCP and BA sections 1.2, the LCR MSCP goal is to achieve the following:

- conserve habitat and work toward the recovery of threatened and endangered species, as well as reduce the likelihood of additional species being listed;
- accommodate present water diversions and power production and optimize opportunities for future water and power development, to the extent consistent with the law; and
- provide the basis for incidental take authorizations.

The LCR MSCP Conservation Plan (HCP Chapter 5) describes the conservation measures that, when implemented, would achieve this goal. The creation of the LCR MSCP habitats and other conservation measures would contribute towards improving the environmental condition of the LCR ecosystem, and implementation of the LCR MSCP would not preclude implementation of subsequent conservation programs that would seek to restore additional elements of the ecosystem and, indeed, would complement such programs. As indicated in HCP section 5.10, all of the habitat would be created within 20 to 30 years following HCP approval, rather than the 50 years cited in this comment.

Henderson-2 Comment noted.

Blythe, California (Blythe), July 21, 2004

Blythe-1 Comment noted.

Blythe-2 See Response to Comment AGFD-3.

Blythe-3 Comment noted.

Blythe-4 Please refer to the revised Chapter 7 of the HCP for information regarding funding.

Blythe-5 As indicated in HCP section 5.5.2, the LCR MSCP would accord preference, to the extent consistent with the conservation area site selection criteria described in HCP section 5.5.1, to creating habitats on Federal, state, and tribal lands. If sufficient suitable public lands are not available, private lands would be acquired on a voluntary basis from willing sellers or leasers. The LCR MSCP anticipates that, should private lands be acquired for the purpose of creating habitats, they

would be acquired through lease or purchase based on the appraised fair market value.

Blythe-6 See Response to Comment CO-1.

Blythe-7 See Response to Comment CO-1.

Blythe-8 Comment noted.

Blythe-9 See Response to Comment CO-1.

Blythe-10 Chapter 4 of the HCP and Chapter 5 of the BA discuss the impacts of covered activities on the covered species within the LCR MSCP planning area. Chapter 5 of the HCP describes the conservation plan that provides mitigation for the effects of these covered activities on covered species and their habitats.

Blythe-11 The program is based on a maximum change in point of diversion of 1.574 mafy.

Blythe-12 The public hearing transcript is included in the Final EIS/EIR.

Blythe-13 Please refer to the revised Chapter 7 of the HCP for information regarding funding.

Blythe-14 Impacts to agricultural resources are in section 3.2 of the Final EIS/EIR.

Blythe-15 Please refer to section 2.1.1.6 of the Final EIS/EIR, "Timing of the Implementation of Conservation Measures."

Blythe-16 As indicated in section 2.1.1.4 of the Final EIS/EIR, site selection criteria include consideration of zoning and general plan designations, and as noted in section 3.11.2.1, the zoning of each potential conservation site would be reviewed to minimize any potential conflicts with policies of local jurisdictions adopted for the purpose of avoiding or mitigating an environmental effect.

Blythe-17 See Response to Comment CO-1.

Blythe-18 Implementation of the Conservation Plan would result in the creation of new habitat.

Blythe-19 See Response to Comment EPA-8.

Blythe-20 See Response to Comment Blythe-19.

Blythe-21 The purpose and need of the LCR MSCP are discussed in section 1.2 of the Final EIS/EIR.

Blythe-22 See Response to Comment Blythe–19.

Blythe-23 See Response to Comment CO-1 regarding impacts to recreational resources. Other potential impacts to local communities are addressed in their respective sections of the Final EIS/EIR (e.g. sections 3.16, Socioeconomics and 3.3, Air Quality).

Blythe-24 All project approvals at this time would be based on the development of 8,132 acres of habitat consistent with the manner described in the EIS/EIR.

Blythe-25 See Response to Comments CO-1 and Blythe-24.

Blythe-26 Subsequent to the public hearings, the participating agencies have thoroughly reviewed all comments received on the Draft BA, HCP, and EIS/EIR and incorporated appropriate revisions into the Final BA, HCP, and EIS/EIR. In addition, specific responses have been prepared for each public comment received as published in this volume of responses to public comments.

Numerous opportunities for public input into the LCR MSCP have been provided. Consultation and coordination efforts undertaken for the LCR MSCP are described in sections 1.5 and 7.2 of the Final EIS/EIR. A total of eleven public scoping meetings were held in 1999 and 2000 to obtain public input into the scope of the LCR MSCP environmental review process. Three public information meetings were held in 2003 to inform the public on the status of development of the LCR MSCP. Three public hearings were held in 2004 to obtain public comments on the EIS/EIR. All meetings were held in the evening to facilitate participation by members of the public. Additionally, a website, www.lcrscp.org, was established to make information about the EIS/EIR process available to a wider audience. The website includes a description of the LCR MSCP, current participants, files available to download, meeting schedule, past meeting notes, news and interest items, and links to other sites. Reclamation also maintains LCR MSCP information and related documents at www.lc.usbr.gov. This website includes the entire Public Involvement Plan, notices, public scoping summaries, and other information intended to help keep the public informed about the LCR MSCP. Each website has links to related websites.

Prior to issuance of the Record of Decision by Reclamation and the Service, as the NEPA lead agencies, the Final EIS will be available for public review pursuant to notice published in the Federal Register. No Record of Decision will be executed prior to 30 days after publication of the Federal Register notice. With respect to CEQA compliance, as the CEQA lead agency, Metropolitan must certify the EIR at a public meeting of its Board of Directors.

Blythe-27 See Response to Comment CO-1.

Blythe-28 See Response to Comment CO-1.

Blythe-29 See Response to Comment Blythe-26.

Blythe-30 See Response to Comment Blythe-24.

Blythe-31 See Response to Comment CO-1.

Blythe-32 See Response to Comment CO-1.

Blythe-33 Impacts to biological resources from the implementation of the proposed action are addressed in section 3.4 of the Final EIS/EIR.

Blythe-34 The EIS/EIR is a joint NEPA/CEQA document.

Blythe-35 The purpose of and need for the proposed action are addressed in section 1.2 of the Final EIS/EIR, and its goals and objectives are summarized in Chapter 2.

Blythe-36 The proposed action would not affect the water level of the LCR, as discussed in section 3. 9.2.

Blythe-37 The program is based on a maximum change in point of diversion of 1.574 mafy.

Blythe-38 Chapter 2 of the HCP and Chapter 2 of the BA describe the covered activities, including ongoing water diversions and future changes in point of diversion up to 1.574 mafy.

Phoenix, Arizona (Phoenix), July 22, 2004

Phoenix- 1 Comment noted.

Phoenix -2 See Response to Comment AGFD-3

Phoenix -3 Comment noted.

Phoenix -4 See Response to Comment RSLA-1.

Phoenix -5 See Response to Comment RSLA-2.

Phoenix -6 See Response to Comment RSLA-3.

Phoenix -7 See Response to Comment RSLA-4.

Phoenix -8 The HCP and EIS/EIR consider the potential use of both publicly and privately owned land. No specific sites have been identified. All land acquisition would be conducted on a voluntary basis and in a manner consistent with regulatory requirements. When site-specific activities are identified, additional environmental compliance, as appropriate, would be performed analyzing impacts associated with use of those specific sites. See also Response to Comment RSLA-2.

Phoenix -9 Comment noted.

ACRONYMS AND REFERENCES

ACRONYMS USED IN THE RESPONSES TO COMMENTS

af	acre-feet
afy	acre-feet per year
AGFD	Arizona Game and Fish Department
BA	Biological Assessment
BIA	Bureau of Indian Affairs
BLM	Bureau of Land Management
BO	Biological Opinion
CDFG	California Department of Fish and Game
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
cfs	cubic feet per second
DOI	U.S. Department of the Interior
DW	Defenders of Wildlife et al.
EIR	Environmental Impact Report
EIS	Environmental Impact Statement
EPA	U.S. Environmental Protection Agency
ESA	Federal Endangered Species Act
FMA	Funding and Management Agreement
FR	Federal Register
HCP	Habitat Conservation Plan
IA	Implementation Agreement
IMA	Important Management Area
IOP	Inadvertent Overrun Policy
ISG	Interim Surplus Guidelines
ITA	Indian Trust Asset
JOA	Joint Operating Agreement
JPA	Joint Participation Agreement
LCR	Lower Colorado River
LCR MSCP	Lower Colorado River Multi-Species Conservation Program
LIMA	Less Important Management Area
maf	million acre-feet

1	mafy	million acre-feet per year
2	mg/L	milligram per liter
3	MODE	Main Outlet Drain Extension
4	MSHCP	Multi-Species Habitat Conservation Plan
5	msl	mean sea level
6	NCCP	Natural Community Conservation Plan
7	NDO	Nevada Department of Wildlife
8	NEPA	National Environmental Policy Act
9	NPS	National Park Service
10	NSC	State of Nevada, Department of Administration, State Clearinghouse
11	NWF	National Wildlife Federation
12	OM&R	operation, maintenance, and replacement
13	PILT	Payments in Lieu of Taxes
14	ppm	parts per million
15	RM	river mile
16	RPA	reasonable and prudent alternative
17	RPM	reasonable and prudent measure
18	U.S.	United States
19	USBR	U.S. Bureau of Reclamation
20	USFWS	U.S. Fish and Wildlife Service
21	USGS	U.S. Geological Survey
22	USIBWC	U.S. Section, International Boundary and Water Commission

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Attachment A

List of Signatories to the Common Letter

List of Signatories to the Common Letter

NAME	STREET	CITY	STATE	ZIP	DATE/TIME SENT
A.W.	2330 43rd Ave., East Flat 405B	Seattle	WA	98112	8/11/2004
Abate, Andrew	307 N. Third St., Apt. B	King City	CA	93930	8/11/2004
Abbot, Tonya	107 Locust Lane	Yorktown	VA	23693	8/11/2004
Abbott, Barbara	147 Pilgrim Rd.	Haverhill	MA	01832	8/20/2004
Abbott, Brandon	25 Hyde Hill Rd.	Williamsburg	MA	01096	8/19/2004
Abraham, Christine	2995 Michael Dr.	Newbury Park	CA	91320	8/20/2004
Abril, Ed	660 N. Citrus Ave.	Tucson	AZ	85748	8/20/2004
Ackoff, Karen	117 Laurel St.	South Bend	IN	46601	8/21/2004
Acs, Deborah-Leigh	308 West State St. #14	Black Mountain	NC	28711	8/21/2004
Acuna, Tamara	111 N Hill St., Rm 109	Los Angeles	CA	90012	8/16/2004
Adam, Margaret	72425 Cactus	Twentynine Palms	CA	92277	8/11/2004
Adams, Cynthia	15 Beulah Park Dr.	Santa Cruz	CA	95060	8/12/2004
Adams, Jessica	12246 Fox Hound Ln.	Orlando	Fl	32826	8/18/2004
Adamski, Constance	17 Council Dr.	Oxford	CT	06478	8/23/2004
Adkins, John	9265 Northcliffe Blvd.	Spring Hill	FL	34606	8/22/2004
Adrianne, C.	P.O. Box 2820	Carson City	NV	89702	8/11/2004
Ahrens, Danielle	109 S Wyomissing Ave.	Shillington	PA	19607	8/16/2004
Aidnik, Janette	6130 French Creek Rd.	Shingle Springs	CA	95682	8/11/2004
Alasti, Isabella	5320 Monalee Ave.	Sacramento	CA	95819	8/16/2004
Albertson, Pat	6750 S. Surrey Ln.	Pahrump	NV	89048	8/11/2004
Alcumbrac, Kieran	210 Red Oak Dr. W, Apt P	Sunnyvale	CA	94086	8/16/2004
Allain, Ann	12618 Mount Overlook Ave.	Cleveland	OH	44120	8/17/2004
Allerton, Colby	235 Main St. #318	Venice	CA	90291	8/11/2004
Allison, Amanda	413 Reoh Rd.	Victoria	TX	77905	8/18/2004
Al-tigar, Laurel	2357 N. 50 W	Layton	UT	84041	8/22/2004
Aminger, Walter	10422 Senegal Dr.	Pensacola	FL	32534	8/16/2004
Ammons, judith	615 Trotter Rd.	Brighton	TN	38011	8/17/2004
Anderson, Corina	8716 Duncanson Dr.	Bakersfield	CA	93311	8/11/2004
Anderson, David	130 Broomsedge Trl	Athens	GA	30605	8/21/2004
Anderson, Margaret	60 Mission Circle	Sedona	AZ	86336	8/11/2004
Anderson, Pat	2131 Alta St.	Los Angeles	CA	90031-3	8/17/2004
Anderson, Rebecca	2311 4th St., Apt 304	Santa Monica	CA	90405	8/11/2004
Anglemyer, Tami	707 Redbud Tr., Apt. 9	Buchanan	MI	49107	8/22/2004
Anglum, Sherry	8298 Loma Vista Rd.	Ventura	CA	93004	8/16/2004
Antillon, Rick	1507 SE 14th St.	Fort Lauderdale	FL	33316	8/18/2004
Antuna, Martin	309-A Oregon Ave.	Petaluma	CA	94952	8/11/2004
Aranibar, Michael	P.O. Box 1923	McKinney	TX	75070	8/21/2004
Armani, Debra	5136 Varna Ave.	Sherman Oaks	CA	91423	8/11/2004
Armens, Karl	740 Juniper Dr.	Iowa City	IA	52245	8/18/2004

Armstrong, Marilee	P.O. Box 13253	El Cajon	CA	92022	8/11/2004
Arnazi, Lee	18202 N 39th Dr.	Glendale	AZ	85308	8/11/2004
Arnold, Diane	4800 Opal Cliff Dr., Apt. 203	Capitola	CA	95010	8/11/2004
Arnoldsen, Ron & Barbara	403 Quintana Rd.	Morro Bay	CA	93442	8/22/2004
Asarte, Susanna Iris	P.O. Box 1131	Mesa	AZ	85211	8/11/2004
Asbury, Luke	P.O. Box 641593	Los Angeles	CA	90064	8/11/2004
Ashkin, Laura	P.O. Box 1595	Portola	CA	96122	8/11/2004
Ashouri, Aida	221 38th Pl.	Manhattan Beach	CA	90266	8/16/2004
Asmussen, Dawn	8601 W. Monterey Way	Phoenix	AZ	85037	8/16/2004
Atamian, Priscilla	2764 Wallace Street	Santa Clara	CA	95051	8/11/2004
Atkinson, Patrick	261 Fairmount Ave., Apt. 30	San Luis Obispo	CA	94611	8/15/2004
Atlas, Shane	111 Gair St.	Piermont	NY	10968	8/11/2004
Augusta, Kathleen	1404 Floribunda Ave., Apt. 304	Burlingame	CA	94010	8/11/2004
Averill, Karen	785 L. Fk. Humbug Crk. Rd.	Applegate	OR	97530	8/18/2004
Ayer, Karen	1502 Wesley Street	Pittsburg	PA	15221	8/18/2004
Bacigalupi, Kathy	P.O. Box 873	Lotus	CA	95651	8/16/2004
Bafik-Vehslage, Michelle	9019 Keoning	San Antonio	TX	78251	8/17/2004
Bailey, Chantal	1649 Novato Blvd #3	Novato	CA	94947	8/11/2004
Bailey, Joyce	1844 Denmark Dr.	Orange Park	FL	32003	8/17/2004
Bailey, Kim	1901 Plumb Branch Rd.	Knoxville	TN	37932	8/15/2004
Baird, Janet	Rr. 2 Box 275	Jeannette	PA	15644	8/11/2004
Baker, Steve	1231 E. Colton Ave.	Redlands	CA	92374	8/16/2004
Bakewell, Mac	126 La Plata	Santa Barbara	CA	93109	8/11/2004
Balderston, Anne	415 Begonia Ave.	Corona Del Mar	CA	92625	8/15/2004
Baldwin, Laura	56 Fremont Ave, #3	Seaside Heights	NJ	08751	8/11/2004
Banwell, Jesse	341 Fairmount Ave.	Santa Cruz	CA	95062	8/11/2004
Barboza, Valerie	1756 Cordova Dr.	San Luis Obispo	CA	93405	8/16/2004
Barker, Danielle	4212 Vista Del rio Way, Apt. 2	Oceanside	CA	92057	8/11/2004
Barnes, Chris	410 Rennard Dr.	Exton	PA	19341	8/17/2004
Barnes, Pliny	410 Jordan Dr.	Redlands	CA	92373	8/15/2004
Barney, Sina	P.O. Box 1794	Willits	CA	95490	8/16/2004
Barry, Sharon	287 San Marino Rd. SW	Palm Bay	FL	32908	8/21/2004
Bateman, Billie	204 S. 348th Ave.	Tonopah	AZ	85354	8/21/2004
Bates, Julie	3605 Southwood Ave.	San Mateo	CA	94403	8/11/2004
Bates, Rita	2922 S. Delaware Ave.	Milwaukee	WI	53207	8/15/2004
Bauman, Kevin	5889 Orchard Bend Rd.	Bloomfield	MI	48301	8/16/2004
Baumer, Susan	13 Morgan Ct.	Bedminister	NJ	07921	8/18/2004
Bausman, Fred	3228 W. Village Ln.	Springfield MO	MO	65807	8/17/2004
Beach, Heather	13 Street	New Haven	CT	06511	8/20/2004
Beachy, Melissa	2925 Hyde Park St.	Sarasota	FL	34239	8/18/2004

Beadman, Hannah	844 Laveta Terrace	Los Angeles	CA	90026	8/11/2004
Behrens, Joanna	P.O. Box 2514	Jackson	WY	83001	8/15/2004
Belasco, Michael	4527 39th St., Apt 6	San Diego	CA	92116	8/16/2004
Bellotti, Alice	1 Oakland Dr.	Jackson	NJ	08527	8/17/2004
Benner, Lisa	Hcr 67 Box 16 A	Mifflin	PA	17058	8/21/2004
Benner, Margaret	42 Buttonwood Ln. Country Manor West	Carlisle	PA	17013	8/21/2004
Benningson, Barbara	2339 Ramona St.	Palo Alto	CA	94301	8/11/2004
Benson, Robert	432 Lily St.	San Francisco	CA	94102	8/11/2004
Benton, Coralie	1549 NW North Heights Dr.	Albany	OR	97321	8/21/2004
Bernard, Janice	100 Revolutionary Rd.	Scarborough	NY	10510	8/20/2004
Bernucca, Gregory	2748 Campus Walk Ave., Apt 15F	Durham	NC	27705	8/16/2004
Bew, Linda	515 Stewart Dr.	Hinesville	GA	31313	8/21/2004
Beyer, Lynne	1281 Murfreesboro Pike Ste. 300	Nashville	TN	37217	8/19/2004
Biale, Cheryl	7711 Greenridge St., SW	Olympia	WA	98512	8/17/2004
Bindrim, Erica	13047 Bourne Pl.	Bristow	VA	20136	8/18/2004
Birdsall, Patricia	305 N. Mountain Trail	Sierra Madre	CA	91024	8/11/2004
Bishandeski, Joann	129 N. Main St.	Pascoag	RI	02859	8/21/2004
Bishop, David	36 Pearl Ave.	Wheeling	WV	26003	8/15/2004
Black, Morrigan	104 Preston Ave.	Brazoria	TX	77422	8/17/2004
Blakely, Stephen	1439 Windjammer Lp	Lutz	FL	33559	8/21/2004
Bleha, Patricia	3209 Fosca St.	Carlsbad	CA	92009	8/17/2004
Boden, Linda	4828 West 27th Ave.	Denver	CO	80212	8/23/2004
Bodet, Sue	435 West Chownan St.	Kill Devil Hills	NC	27948	8/21/2004
Bogear, Lee	6397 North Cypress Ave.	Winton	CA	95388	8/11/2004
Boggio, dorothy	210 N. Mercer St.	New Wilmington	PA	16142	8/21/2004
Bolin, Amy	1200 Lincoln St, Unit 179	Bellingham	WA	98229	8/20/2004
Bonfiglio, Julia	1111 Carlisle Dr.	San Mateo	CA	94402	8/17/2004
Bonometti, Robert and Ginny	260 Golds Hill Rd.	Winchester	VA	22603	8/20/2004
Bookstein, Torey	2950 Portage Bay W	Davis	CA	95616	8/11/2004
Boren, Gary	501 Guerrero #6	San Francisco	CA	94110	8/11/2004
Borum, Erica	2600 Dyer Way	Reno	NV	89512	8/11/2004
Boudrie, Mary	1231 Persimmon Ave, Apt. 20	El Cajon	CA	92021	8/15/2004
Boulanger, Kerry	9 Southgate Dr.	Bedford	NH	03110	8/21/2004
Bovasso, Lucy	333 E 30th St., Apt. 1-J	New York	NY	10016	8/11/2004
Bowden, Tracy	829 Anrmore Cir.	Redlands	CA	92374	8/22/2004
Boydston, Diane	2540 Ribier Way	Rancho Cordova	CA	95670	8/21/2004
Boyers, Lowell	521 West 26th St.	New York City	NY	10001	8/18/2004
Boylston, Elizabeth	P.O. Box 6329	Snowmass Village	CO	81615	8/17/2004
Brakopp, Evelyn	1143 Akipola St.	Kailua	HI	96734	8/21/2004
Brandes, Susan	1639 E 1st St.	Tucson	AZ	85719	8/11/2004

Braun, Clait	5572 N. Ventana Vista Rd.	Tucson	AZ	85750	8/11/2004
Brenner, Natasha & Noah	19 Warren Ln.	Jericho	NY	11753	8/18/2004
Breslin, Bob & Nancy	1360 Patricks Point Dr.	Trinidad	CA	95570	8/16/2004
Brett, Derek	1407 S. Osceola Ave.	Orlando	FL	32806	8/18/2004
Brice, Margarite	406 Thor St.	White Sands Missile Range	NM	88002	8/22/2004
Brickner, Julia	660 N. Chippewa St.	Chandler	AZ	85224	8/17/2004
Brinkman, Kara	680 N. Cloverleaf Loop	Springfield	OR	97477	8/20/2004
Briscoe, Jennifer	22406 Huntington Ct.	Woodhaven	MI	48183	8/19/2004
Broderson, Shelagh	136 Evergreen Ln.	Berkley	CA	94705	8/11/2004
Broe, Harley	1503 A Lake Washington Blvd.	Seattle	WA	98122	8/20/2004
Brooks, Jean	2432 S. Coleman St.	Bisbee	AZ	85603	8/21/2004
Brooks, Jillian	P.O. Box 480	Bonsall	CA	92003	8/11/2004
Bross, Bonnie	1609 Poplar Ave.	Kansas City	MO	64127	8/22/2004
Brown Miller, Jacqui	1348 Bridle Ct SE	Olympia	WA	98501	8/22/2004
Brown, David	9325 Oren Thompson Rd.	Charlotte	NC	28213	8/20/2004
Brown, Sharon	4105 Hugh McKeen Dr.	Silver City	NM	88061	8/21/2004
Brown, Sharon	3618 St. Gaudens Rd.	Miami	FL	33133	8/15/2004
Brown, Vera	6 Barcelona Cir.	Redwood City	CA	94065	8/11/2004
Brownlee, Victoria	P.O. Box 36	Millwood	WV	25262	8/21/2004
Bruckman, Leonard	8595 Kingsgate Dr.	Granite Bay	CA	95746	8/11/2004
Bruno, Amy	792 Surf Ave.	Stratford	CT	06615	8/21/2004
Brush, Debbie	10455 W. Berry Dr.	Littleton	CO	80127	8/19/2004
Bryman, Alexandra	428 Altair Pl.	Venice	CA	90291	8/17/2004
Bucco, Gloria	841 S. 50th St.	Lincoln	NE	68510	8/20/2004
Buckmaster, Lee	1965 Emmons Rd.	Cambria	CA	93428	8/11/2004
Buffett, Beverly	2007 Ponderosa Street Apartment 3b	Santa Ana	CA	92705	8/11/2004
Bug, Kiddo	11th St.	Quakertown	PA	18951	8/11/2004
Bukszar, Tara	1005 E. Huffaker Ln.	Reno	NV	89511-1	8/21/2004
Burch, E.	1116 W. Airport Ave.	Lompoc	CA	93436	8/11/2004
Burgess, Tammy	9445 Patricia Dr.	Otisville	MI	48463	8/21/2004
Burghart, Barbara	39 Emerald St.	Bridgeport	CT	06610	8/11/2004
Burke, Barbara	322 Zion Rd.	Hillsborough	NJ	08844	8/20/2004
Burket, Ruth	12828 Brookdale St.	Victorville	CA	92392-7943	8/20/2004
Burkhart, David	7735 Sunnyside Rd. SE	Salem	OR	97306	8/11/2004
Burnett, Deborah	551 Park Road	Spring City	PA	19475	8/19/2004
Burnett, Kimberly	119 Laurel Grove Ave.	Kentfield	CA	94904	8/11/2004
Burns, Charmion	845 Marine Ave.	Manhattan Beach	CA	90266	8/11/2004
Burns, Vicki	760 Geary St # 510 M	San Francisco	CA	94109	8/11/2004
Burton, Laura	18079 Rancho St.	Encino	CA	91316	8/11/2004
Buss, Bill	P.O. Box 1185	Corrales	NM	87048	8/22/2004

Butterfield, Lisa	P.O. Box 5051	Arcata	CA	95518	8/11/2004
Butts, Leona	13817 Plum Circle	Clearlake Oaks	CA	95423	8/11/2004
C.W.	529 S. 32nd St.	Manitowoc	WI	54220	8/20/2004
Cahill, Joan	898 E. River Dr.	Margate	FL	33063	8/18/2004
Cain, Thomas	1991 Willeys Lake Rd.	Custer	WA	98240	8/20/2004
Calicott, James	3886 Birchleaf Rd.	Memphis	TN	38116	8/11/2004
Cameron, Daniel	6 Beaumont St.	Melrose	MA	02176	8/11/2004
Campbell, Karen	1819 Grant Ave. #B	Redondo Beach	CA	90278	8/16/2004
Cannon, Frank	P.O. Box 14581	South Lake Tahoe	CA	96151	8/11/2004
Cape-Thrower, Christa	1527 Mammoth Pl.	Rohenert Park	CA	94928	8/11/2004
Cappadoro-Nicely, Marilyn	6370 Pompano St.	Jupiter	FL	33458	8/17/2004
Cardran, Gary	29 4th Ave. #2	Haverhill	MA	01830	8/19/2004
Carlig, Joseph	3420 Yosemite Ave.	El Cerrito	CA	94530	8/11/2004
Carlson, Genevieve	11035 Bennetts Valley Hwy.	Penfield	PA	15849	8/18/2004
Carolin, Jeff	4 Washington Ct.	Stamford	CT	06902	8/15/2004
Carpenter, Regina	2879 St. Andrews	Williams	AZ	86046	8/11/2004
Carpenter, Regina	2879 St. Andrews	Williams	AZ	86046	8/11/2004
Carr, Lindsey	6516 #2 El Nido Lane	Isla Vista	CA	93117	8/15/2004
Carrao, Gary	14 26th Ave	Venice	CA	90291	8/11/2004
Carte M.D., Mike	10094 W. Edna St.	Boise	ID	83704-4	8/21/2004
Carter, Margaret	1612 Third St.	Manhattan Beach	CA	90266	8/11/2004
Carter, Nancy	3398 Red Lake Rd.	South Lake Tahoe	CA	96150	8/11/2004
Case, Rachael	322 N. D Street	Lake Worth	FL	33460	8/18/2004
Caserta, Alison	762 Belted Kingfisher Dr. N.	Palm Harbor	FL	34683	8/20/2004
Casey, Echo	932 E. King St.	Tucson	AZ	85719	8/11/2004
Cash, Irma	8600 Old Plank Road	Charlotte	NC	28216	8/21/2004
Cashner, Frances M.	6027 Charlotte Dr.	New Orleans	LA	70122	8/18/2004
Cassidy, Doris	3000 S. Catalina Dr., Apt. 129	Yuma	AZ	85364	8/11/2004
Castellano, Edward	2035 shannon Rd.	Gulf Breeze	FL	32566	8/19/2004
Chamberlain, Lora	2113 W. Moffat St. #2	Chicago	IL	60647	8/18/2004
Chan, Kai	750 N Shoreline Blvd. Apt 152	Mountain View	CA	94043	8/16/2004
Chaplin, Ron	72 W Edward St.	Iselin	NJ	08830	8/21/2004
Chapman, Virginia	10229 Wellington Blvd.	Powell	OH	43065	8/17/2004
Chappell, Donna	3530 Gladstone	Sarasota	FL	34231	8/11/2004
Chauhan, Arun	4583 River Pkwy. Apt. L	Atlanta	GA	30339	8/20/2004
Chauser, Jacqueline	1746 E. Belmont Ave.	Anaheim	CA	92805	8/11/2004
Cherrey, Marjorie	1110 20th Ave.	Monroe	WI	53566	8/21/2004
Chesnutt, Judy	463 Harman Street Apt. 3 R.	Brooklyn	NY	11237	8/20/2004
Chess, Nancy	10668 Eastborne Ave., #101	Los Angeles	CA	90024	8/11/2004
Cho, Yu Jin	602 S. 5th Ave.	Bozeman	MT	59715	8/19/2004

Christensen, Harold	2516 Aberdeen Ln.	Henderson	NV	89014	8/11/2004
Ciotti, Mark	10350 Caminito Cuervo #106	San Diego	CA	92108	8/11/2004
Clarence, Henry	1011 Overlook Road	Berkley	CA	94708-1	8/11/2004
Clark, Chuck & Gail	16329 W. County Road, 18 E	Loveland	CO	80537	8/11/2004
Clark, Leigh	409 Penny St.	Garner	NC	27529	8/22/2004
Clark, Matt	Nau Cstl ox 5697	Flagstaff	AZ	86001	8/11/2004
Clausing, Mary	34 Vernon St.	Patchogue	NY	11772	8/11/2004
Clayton, Melissa	563 Longwood Cir.	Oldsmar	FL	34677	8/11/2004
Cochran, John	1037 Church St.	San Francisco	CA	94114	8/11/2004
Cochrane, Barbara	11361 S. Champlain Ave.	Chicago	IL	60628-5	8/21/2004
Coco, Joseph	9 Cloverdale Ct.	Buffalo Grove	IL	60089	8/15/2004
Cohen, Ellen	3612 N. 33rd St.	Tacoma	WA	98407	8/17/2004
Cohen, Leslie	546 58th St.	Oakland	CA	94609	8/11/2004
Cohen-Kurland, Miriam	269 Wormwood Hill Rd.	Mansfield Center	CT	06250	8/20/2004
Colangelo, Elizabeth	10417 Cedarsong Rd.	Nevada City	CA	95959	8/11/2004
Colburn, Kathleen	2105 Friar Tuck Ln.	Oxford	AL	36203	8/21/2004
Cole, Cal	1530 Hightower Dr.	Uniontown	OH	44685	8/11/2004
Cole, Marianne	4317 E. 3rd St.	Long Beach	CA	90814	8/11/2004
Collazo, Jaime M	8530 Boarwalk Trail Dr., Apt. 2032	Temple Terrace	FL	33637	8/15/2004
Condit, Helen	1160 E. Perrin Ave, Apt. 208	Fresno	CA	93720	8/22/2004
Conklin, Joyce	70 Pleasure Dr.	Riverhead	NY	11901	8/18/2004
Connolly, Olga	4561 Montair Ave. #10	Long Beach	CA	90808	8/21/2004
Conyette, Jacqueline	5838 SW 3rd St.	Miami	FL	33144	8/17/2004
Cook, Margaret	66 Oakwood Ct.	Fanwood	NJ	07023	8/19/2004
Cooper, Ayelet	4045 Verona Rd.	South Euclid	OH	44121	8/20/2004
Cooper, Chad	1124 Orchard Ave.	Liberty	MO	64068	8/16/2004
Cooper, Victoria	1993 3rd Rd.	Wakefield	KS	67487	8/21/2004
Cope, Kelly	116 S. Branciforte Ave.	Santa Cruz	CA	95062	8/11/2004
Copeland, Walt	34646 12 Wildwood Cyn Rd.	Yucaipa	CA	92399	8/11/2004
Corbett, T.	2118 Reynolds St.	Sarasota	FL	34231	8/18/2004
Cordeau, Stephanie	526 2E Ave.	Quebec		FFFFF	8/19/2004
Corley, Bee	2712 Secure Place	Lancaster	CA	93536	8/11/2004
Cormier, Andree	P.O. Box 280579	Northridge	CA	91328	8/20/2004
Coslet, Christine	80 Lakeview Ave.	Ringwood	NJ	07456	8/21/2004
Costas, George	2700 Southhampton Rd.	Croydon	PA	19021	8/15/2004
Coulter, Barbara	12200 Academy Rd. NE	Albuquerque	NM	87111	8/21/2004
Coultes, Julie	308 Tamara Rd.	Guthrie	OK	73044	8/20/2004
Covit, Raymond	673 W. 20th St., Apt. 3	San Pedro	CA	90731	8/11/2004
Cowden, Mike	4216 Wilma	Wichita	KS	67218	8/18/2004
Cowling, Rebecca	12867 Tewksbury Drive	Herndon	VA	20171	8/17/2004

Cox, Lorri	25416 120th Pl. SE	Kent	WA	98030	8/11/2004
Cox, Lynn	695 Mohican Way	Westerville	OH	43081	8/19/2004
Cox, Pamela	3720 S Walapai Dr., Apt. 3	Flagstaff	AZ	86001	8/16/2004
Cox, William	17065 Linda Mesa Dr.	Morgan Hill	CA	95037	8/11/2004
Craig, Eugene	631 Hermitage St.	San Jose	CA	95134	8/11/2004
Craig, Patrick	19380 Pine Glade	Guerneville	CA	95446	8/16/2004
Crisman, Miriam	6750 Boca Pines Trl., Apt. D	Boca Raton	FL	33433	8/20/2004
Crocker, Katherine	230 Hampton Ave.	Salt Lake City	UT	84111	8/21/2004
Crosby, William	146 Francis St.	New Britain	CT	06053	8/15/2004
Cross, Nelcha	9647 Folsom Blvd.	Sacramento	CA	95827	8/11/2004
Crow, Laura	1150 Pine St. #16	Oroville	CA	95965	8/11/2004
Crow, Laura	1150 Pine St. #16	Oroville	CA	95965	8/11/2004
Crow, Laura	1150 Pine St. #16	Oroville	CA	95965	8/11/2004
Crusha, Connie	1077 Vista Madera Ln.	El Cajon	CA	92019	8/11/2004
Cuevas, Ricardo	2011 Daly St.	Los Angeles	CA	90031	8/11/2004
Culp, Greg	2820 Caminito Cape Sebastian	Cardiff	CA	92007	8/11/2004
Cunha, Nancy	95 Newman Ave. N 809	Rumford	RI	02916	8/20/2004
Curry, Sean	1328 N Frisco Ave., Apt G	Springfield	MO	65802	8/21/2004
Curry, Sean	1328 N. Frisco Ave., Apt. G	Springfield	MO	65802	8/15/2004
Da Lomba, Tracy	4055 Ghiotti Ct.	Pleasanton	CA	94588	8/11/2004
Dabney, Mary	258 Highway 55	Jamestown	KY	42629	8/11/2004
Dahlke, Taylor	25 Harmony Lane	Walnut Creek	CA	94597	8/16/2004
Dahm, Dolores & Ira	P.O. Box 360	Cotati	CA	94931	8/11/2004
Dale, Adrienne	2639 Pamela Ave.	Ann Arbor	MI	48103	8/16/2004
Dalpino, Idajane	6 Navajo Ln.	Corte Madera	CA	94925	8/11/2004
Daly, Marie	4427 E. 17th St.	Tucson	AZ	85711	8/20/2004
Danoff Fanizza, Shoshana	317 Charles St.	Carpentersville	IL	60110	8/17/2004
Dapore, Wendy	5333 Buttonwood Ct.	Foresthill	CA	95631	8/17/2004
Dart, Robert	2646 Palma Dr. Ste 210	Ventura	CA	93003	8/11/2004
Davidson, Montyka	5099 Spencer Rd.	Cleveland	OH	44124	8/21/2004
Davies-Sigmund, Steven	3153 Leola Ave.	St. Louis	MO	63139	8/15/2004
Davis, Beverly	203 N. Cleveland Ave. Apt. 79	Long Beach	MS	39560	8/11/2004
Davis, Martha	560 Broadway St.	Venice	CA	90291	8/16/2004
Davis, Pat	5314 Baza Ave.	Woodland Hills	CA	91364	8/11/2004
Davis, Rebecca	8885 W. Thunderbird Rd., Apt. 2109	Peoria	AZ	85381	8/11/2004
De Sio, Elisse	662 Third Ave.	Redwood City	CA	94063	8/17/2004
Dean, Robert	4365 E 13th Cir.	Tucson	AZ	85711	8/11/2004
Dececco, J.	260 Bartlett Way	Santa Cruz	CA	95060	8/11/2004
DeFrancesco, Victor	P.O. Box 85553	Tucson	AZ	85754	8/15/2004
Dempsey, Jean	918 Marlin Dr.	Jupiter	FL	33458	8/21/2004

Dengenhart, Dawn	345 Mountain View Ave.	Longmont	CO	80501	8/21/2004
Dexter, Diana	6309 W. 101st. Pl.	Overland Park	KS	66212	8/17/2004
Dezellem, Carol	120 E. Pearl St.	Port Hueneme	CA	93041	8/19/2004
Diesel, Beth	56 Juniata College	Huntingdon	PA	16652	8/19/2004
Dietrich, Jessica	10780 Atrium Dr.	San Diego	CA	92131	8/11/2004
Dinonne, Ayako	310 Suncrest Ct.	Oviedo	FL	32765	8/19/2004
Dishman, Patricia	512 General George Patton Rd.	Nashville	TN	37221	8/20/2004
Disney, Mike	4770 East Windsor Ln.	Columbus	IN	47201	8/22/2004
Dispain, Shelley	11760 Capri Cir. So. #303	Treasure Island	FL	33706	8/18/2004
Distenfeld, Rebecca	158 Cumberland St.	Mastic	NY	11950	8/21/2004
Divizich, Deanna	438 Van Dyke Ave.	Oakland	CA	94606	8/12/2004
Dixon, Daron	822 W. Avenue L	Calimesa	CA	92320	8/19/2004
Dobbins, Timothy	1255 Page St., Apt. 7	San Francisco	CA	94117	8/15/2004
Doerring, Beth Ann	205 S. 4th St.	Kenedy	TX	78119	8/19/2004
Doire, Lillian	P.O. Box 7021	Cumberland	RI	02864	8/11/2004
Dombeck, Carrie	4312 Valley Forge Rd.	Durham	NC	27705	8/19/2004
Donoso, Valeska andrea	2522 30th St.	Santa Monica	CA	90405	8/11/2004
Dorn, Paul	414 Iris Pl.	Davis	CA	95616	8/16/2004
Dorsey, Cherilyn	4779 Cumberland Cir.	El Paso	TX	79903	8/11/2004
Dougherty, Jerold	119 Head of River Rd.	Corbin City	NJ	08270	8/11/2004
Douty, Shirley	6229 N Capri Ct.	Fresno	CA	93711	8/11/2004
Dow, Patricia	1119 E. Mitchell St.	Tucson	AZ	85719	8/11/2004
Downing, Jennifer & Brian	70 Glen Ave.	Stockholm	NJ	07460	8/17/2004
Downing, Sonja	6891 Fortuna Rd.	Goleta	CA	93117	8/11/2004
Drew, Janet	P.O. Box 162	Santa Rosa	CA	65402	8/17/2004
Dubnoff, Ena	2506 4th St.	Santa Monica	CA	90405	8/11/2004
Duffy, Mary	5443 Palo Verde St.	Montclair	CA	91763-2537	8/11/2004
Dufur, Lisa	5662 E. Ashlan	Fresno	CA	93727	8/17/2004
Duin Ratcliff, Amy	723 NE 6th St.	Ankeny	IA	50021	8/21/2004
Dunleavy, Pat	2025 Normandy Ave.	Deptford	NJ	08096	8/20/2004
Duran, Chris	1200 Dudley St.	Lakewood	CO	80215	8/22/2004
Durrenberger, Joe	11504 Victoria Ave.	Los Angeles	CA	90066	8/21/2004
Dutra, Sarah	251 California Ave.	Providence	RI	02905-2	8/21/2004
Dyer, Holly	834 Robinwood Dr.	Troy	MI	48083	8/18/2004
Dyer-Cobb, Melissa	770 Crain St.	Carson City	NV	89703	8/17/2004
Early, Gordon	156 Hanover Ln.	Mountain Home	AR	72653-8	8/17/2004
Echevarria, Mari	2316 Windcastle Ln.	Knoxville	TN	37923	8/19/2004
Eck, Patricia	12987 Penefield Ln.	Huntley	IL	60142	8/21/2004
Eckert, R.	1743 Lakeside Dr. S	Forked River	NJ	08731	8/11/2004
Eckland, Sandra	8660 Hickory Dr.	Anthony	TX	70821	8/15/2004

Eden, Jonathan	494 Vincente Ave.	Berkley	CA	94707	8/19/2004
Edwards, Colene	2307 E 2nd St. Apt 11	Bloomington	IN	47401	8/21/2004
Edwards, Elaine	1900 Market St.	Philladelphia	PA	19103	8/18/2004
Egbert, Rachael	5252 Rapid Run Rd.	Cincinnati	OH	45238	8/18/2004
Egen, Ned	2233 E. Hawthorne St.	Tucson	AZ	85719	8/11/2004
Eggers, Tamar	938 A Stanyan St.	San Francisco	CA	94117	8/11/2004
Ehrhardt, Erin	6271 N. Celery Pl.	Tucson	AZ	85741	8/17/2004
Eib, Arol	P.O. Box 308	Greenwood	FL	32443	8/16/2004
Eldred, Mary	903 Sir Winston St.	Henderson	NV	89052	8/19/2004
Elin	616 Soper Ave.	Rockford	IL	61101	8/11/2004
Embrey, Stephanie	4205 E. Anaheim St.	Long Beach	CA	90804	8/11/2004
Embry, Jeanne	3840 Kingfish Dr. SE	Saint Petersburg	FL	33705	8/20/2004
Emmetti, Maria	1159 Manzanita Ln.	Manhattan Beach	CA	90266	8/11/2004
Emory, Del	412 W. Elmwood Ave. # C	Burbank	CA	91506	8/19/2004
Ensley, Heidi & Phil	2740 Granada Ave.	San Diego	CA	92104	8/11/2004
Ercolini, Val	15 Bennett Road	Redwood City	CA	94062	8/15/2004
Erickson, Elaine	1426 Frontero Ave.	Los Altos	CA	94024	8/11/2004
Espiritu, Kathy	1051 Treadway Rd.	Munster	IN	46321	8/22/2004
Essary, Renee	6721 Old Carlisle Rd.	Dover	PA	17315	8/15/2004
Estrada, Judy	9 Via Rosal	Camarillo	CA	93012	8/11/2004
Evans, Dinda	P.O. Box 178695	San Diego	CA	92177	8/11/2004
Evans, Nancy	2445 Tierra Dr.	Los Osos	CA	93402	8/11/2004
Evans, Willow	2828 3rd St., Apt. 11	Santa Monica	CA	90405	8/17/2004
Facio, Laura	1721 N. Church St.	Redlands	CA	92374	8/15/2004
Fairfield, John	2 Portola Rd.	San Francisco	CA	94131	8/11/2004
Falcone, David	560 Rsd # 19A	New York	NY	10027	8/22/2004
Faraklas, Judy	105 Bill of Rights Ln.	Downingtown	PA	19335	8/11/2004
Farrell, Courtney	937 Deer Creek Ln.	Fort Collins	CO	80526	8/21/2004
Faulkner, Dave	P.O. Box 426	Lemon Grove	CA	91946	8/11/2004
Federov, Alexandra	3819 Ave Isla Verda Ph 2	Carolina	PR	00979	8/15/2004
Felt, Gilda	4045 E. Cambridge Ave.	Phoenix	AZ	85008	8/11/2004
Ferguson, Cynthia	9305 Medallion Way	Sacramento	CA	95826	8/11/2004
Ferguson, Paula	307 Ramsey Ave.	Hopewell	VA	23860	8/21/2004
Feria, Carole	4574 Normandie Pl.	La Mesa	CA	91941	8/11/2004
Ferrer, Ana Maria	113 Hogback Mountain Rd.	Montville	ME	04941	8/21/2004
Fierle, Ina	5050 Tanglewood Ln., Apt 1105	Odessa	TX	79762	8/17/2004
Fifield, Wilbert	5301 E Fort Lowell Rd., Unit C	Tucson	AZ	85712	8/15/2004
Finch, Matthew	11433 Orchardview Dr.	Fenton	MI	48430	8/15/2004
Fink, Kimberly	13201 Bruce B. Downs Blvd. Mdc 56	Tampa	FL	33612-3	8/18/2004
Firth, Robyn	100 W Greenbush Rd.	Tuckerton	NJ	08087	8/21/2004

Fischer, John	230 Grove Acre Ave., Apt 313	Pacific Grove	CA	93950	8/12/2004
Fischer-Bixler, Simona	13390 John Wyatt Dr.	Manassas	VA	20112	8/21/2004
Fischoff, Rachel	5911 Canyon Heights Ln.	Los Angeles	CA	90068	8/11/2004
Fisher, Clarence	2013 Mistletoe Dr.	Richardson	TX	75081-3	8/21/2004
Fisher, Victoria	839 N. Cordova St.	Burbank	CA	91505	8/11/2004
Fitzgerald, Jeanne	4601 Sherwood Lane	Houston	TX	77092	8/20/2004
Flade, Donna	125 N. Doheny Dr.	Beverly Hills	CA	90211	8/11/2004
Flanagan, Stephen	9738 Jefferson Parkway Apt. B3	Englewood	CO	80112	8/21/2004
Fleming, Elizabeth	115 112th Ave NE Apt #115	Saint Petersburg	FL	33716	8/17/2004
Fleming, Lori	300 County Line Park Rd.	Manson	NC	27553	8/16/2004
Fleming, Terrance	516 Beaver St., Apt B	Santa Rosa	CA	95404	8/15/2004
Floyd, Kim	5375 shirley J Lane	Wrightwood	CA	92397	8/16/2004
Fogerty-Ball, Lynda	420 Maint St., P.O. Box 43	West Townsend	MA	01474	8/15/2004
Foley, Gerard	13272 Orange Knoll Dr.	Santa Ana	CA	92705	8/11/2004
Foley, Robert	6 Marvel St.	Taunton	MA	02780	8/18/2004
Foley, Theresa	26655 N. 79th St.	Scottsdale	AZ	85262	8/11/2004
Folsom, Susan	P.O. Box 1147	Lawndale	AZ	90260	8/11/2004
Forbes, Kelly	1616 Troon Howl	O'Fallon	IL	62269	8/17/2004
Forney, Maureen	941 Bridge Rd.	San Leandro	CA	94577	8/11/2004
Forquell, Mary	602 Elmgrove Road	Rochester	NY	14606	8/20/2004
Foster, Joyce	10572 Wilkins Ave.	Los Angeles	CA	90024	8/11/2004
Fountain, Sherry	13609 Youngstown Ave.	Orlando	FL	32826	8/22/2004
Fox, Geraldine	706 Yarborough St.	Bossier City	LA	71111	8/18/2004
Francis, Michael	947 Maxwell St.	Fortuna	CA	95540	8/11/2004
Freedman Patrick, Wendy	5226 Green Rd.	West Bloomfield	MI	48323	8/21/2004
Freeman, Mary	10691 E. Timeless Dr.	Tucson	AZ	85748	8/11/2004
Freeman, Nicholas	4041 Wade St., Apt 2	Los Angeles	CA	90066	8/11/2004
Freitas, Julene	472 Jean St.	Oakland	CA	94610	8/11/2004
Friedmann, Vivian	17800 Burbank Boulevard, Unit 306	Encino	CA	91316	8/11/2004
Frikken, Lora	18047 Buckhannon	Roseville	MI	48066	8/11/2004
Fritz, David	732 N. St.	Davis	CA	95616	8/11/2004
Frye, Thomas	945 W. Broadway Rd., Apt 1094	Mesa	AZ	85210	8/11/2004
Fuhrman, Stanley	14 Riggs St.	Ansonia	CT	06401	8/15/2004
Fuller, Roy	P.O. Box 392	Caroga Lake	NY	12032	8/21/2004
Fulop, Debra	35 NE 20th Ave.	Pompano Beach	FL	33060	8/18/2004
Fuss, Joanne	2073 Redwood Dr.	Santa Cruz	CA	95060	8/11/2004
Gabriel, Kristina	803 Quince Orchard Blvd., Apt. 24	Gaithersburg	MD	20878	8/21/2004
Gaffney, Amber	2365 Baldwin St.	Arcata	CA	95521	8/15/2004
Gale, Anita	310 Pleasure Isle Dr.	Covington	KY	41017	8/20/2004
Gallichio, Julia	6242 Buena Vista Ave. #A	Oakland	CA	94618	8/18/2004

Ganz, Shiela	1546 Great Hwy	San Francisco	CA	94122	8/11/2004
Garcia, Diana	109 Seaman Ave., Apt 3 G	New York City	NY	10034	8/19/2004
Garcia, Ernie	1824 Haaz Way	Oxnard	CA	93030	8/16/2004
Garcia, Jasmin	1143 W. Oak Ave.	Fullerton	CA	92833	8/11/2004
Garcia, Yvonne	1314 E. 17th Ave.	Tampa	FL	33605	8/21/2004
Garfield, James	681 Lottie St.	Monterey	CA	93940	8/11/2004
Garry, Gordon	P.O. Box 36	Guinda	CA	95637	8/11/2004
Gartland, Ron	4057 Lyman Rd.	Oakland	CA	21830	8/21/2004
Garvin, Micheal	1 Spring Hill Cir.	Sausalito	CA	94965	8/15/2004
Gaviola, Brigette	8317 Westlawn Ave.	Los Angeles	CA	90045	8/12/2004
Gaydos, John	3024 E Back Ln, Apt 3	Phoenix	AZ	85032	8/11/2004
Gearhart, Dessie	650 Hurricane St.	Franklin	IN	46131	8/21/2004
Geary, Christine	N. 14719 Farragut Ln.	Mead	WA	99021	8/20/2004
Geiss, Geoffrey	802 Ussie Ave.	Canon City	CO	81212	8/15/2004
Gerber, Juliana	1129 54th St.	Oakland	CA	94608	8/18/2004
Gerdes, Heather Lea	4353 Teesdale Ave., Apt. 6	Studio City	CA	91604	8/11/2004
Geyer, Donna	1937 Country Club Road	Fort Collins	CO	80524	8/18/2004
Gibson, Christopher	15 Avenue A	Ogdensburg	NJ	07439	8/11/2004
Giffroy, Renee	195 W. Haviland Lane	Stamford	CT	06903	8/23/2004
Gilberg, Dani	3332 Milbridge Dr.	Antioch	TN	37013	8/11/2004
Gilmartin, Kristen	1501 S. Stoneman Ave.	Alhambra	CA	91801	8/11/2004
Gluth, Alfred	18691 Nye Rd.	Galien	MI	49113	8/19/2004
Godin, David	29 Deer Dr.	South Beach	NY	11789	8/22/2004
Goeman, Brandy	716 Connie Dr.	Las Vegas	NV	89107	8/11/2004
Goldberger, Adam	14 Sterling Pl.	Brooklyn	NY	11217	8/22/2004
Goldgerg, David	231 Buffalo Trail	Flagstaff	AZ	86001	8/16/2004
Goldman, Robert .	27 Birch Ct.	Ridgefield	CT	06877	8/20/2004
Goldstandt, Christy	8704 N Hartman St.	Portland	OR	97203	8/21/2004
Gomez, Carol	20 River Rd. Rocks Village	Haverhill	MA	01830	8/17/2004
Gonsoski, Robin	6165 Garbe Ave.	Woodbury	MN	55125	8/17/2004
Gonzalez, Cassie	8734 Goodhue St. NE	Blaine	MN	55449	8/21/2004
Gonzalez, Jose	3847 Steve Lillie Cir.	Stockton	CA	95206	8/17/2004
Goodman, Lucy	609 4th Ave.	Miami	AZ	85539	8/11/2004
Goodwin, Cara	4412 A SW Shattuck Rd.	Portland	OR	97221	8/12/2004
Gordon, Cynthia	2821 E. Vista Dr.	Phoenix	AZ	85032	8/11/2004
Gordon, Linda	9 south Miller Ave.	Penns Grove	NJ	08069	8/21/2004
Graham, Kimberley	308 Orange Ave., Apt. 24	Coronado	CA	92118	8/18/2004
Graham, Marsha	5 Corte Lenosa	Greenbrae	CA	94904	8/12/2004
Grail, Christine	P.O. Box 57052	Sherman Oaks	CA	91413	8/11/2004
Gramp, Cheryl	21 Rushmore Ln.	Hackettstown	NJ	07840	8/16/2004

Grant, Nichole	5530 Beaver Dam Road	West Bend	WI	53090	8/21/2004
Gravenmier, Keshara	4745 Rustic Rd.	Fair Oaks	CA	95628	8/16/2004
Gray, Lisa	1136 Miller Ln.	Tehachapi	CA	93561	8/11/2004
Green, Kenneth	1221 NE 82nd Ter	Kansas City	MO	64118	8/21/2004
Green, Pamela	15 Franciscan Ridge	Portola Valley	CA	94028	8/11/2004
Green, Thomas	8050 West Mesa Point Dr.	Tucson	AZ	85743	8/11/2004
Greenbank, Debbie	8932 La Serena Dr.	Fair Oaks	CA	95628	8/17/2004
Gregerson, Gary	P.O. Box 421912	San Francisco	CA	94142	8/11/2004
Griggs, Brenda	202 Arnold Blvd. Trlr 116A	Abilene	TX	79605	8/21/2004
Grigsby, Natalie	1206 Overbrook Dr.	Ormond Beach	FL	32174	8/21/2004
Grosvenor, Vickie	4831 Camphor Ave.	Sarasota	FL	34321	8/11/2004
Grotegut, Bette	5824 SW Arnold St.	Plattsburg	MO	64477	8/17/2004
Grotegut, Katie	5824 SW Arnold St.	Plattsburg	MO	64477	8/16/2004
Grotz, Arlene	2029 Lyon Ave.	Belmont	CA	94002	8/11/2004
Grow, Elaine	2307 S. Grand Blvd., Apt. A	Spokane	WA	99203	8/21/2004
Guastello, Michele	8 Asoleado Dr.	Carmel Valley	CA	93924	8/17/2004
Gullette, Alan	3620 Rhoda Ave.	Oakland	CA	94602	8/11/2004
Gunn, Leslie	1428 Camiito Septimo	Cardiff	CA	92007	8/11/2004
Haas, Lesley	320 A4 Stevenson Ln.	Towson	MD	21204	8/17/2004
Habib, Shahnoor	1401 Meadow Vista Dr.	Carrollton	TX	75007	8/15/2004
Hager, John	11760 S 1300 W	Riverton	UT	84065	8/18/2004
Hakey, Donald	423 Howe Ave. # 304	Shelton	CT	06484	8/20/2004
Hales, Janine	11855 Westview Pkwy.	San Diego	CA	92126	8/11/2004
Hamby, Orion	1101 Red Mill Blvd.	Virginia Beach	VA	23454	8/17/2004
Hamilton, Debbie	3886 Nowlin Rd.	Kennesaw	GA	30144	8/11/2004
Hampson, Donna	59 Atherton St.	Ayer	MA	01432	8/18/2004
Hampton, Betty	411 Camp Road	West Monroe	LA	71291	8/22/2004
Hancammon, William	6703 Stardust	North Lauderdale	FL	33068	8/21/2004
Hancock, Susan	11934 Palms Blvd.	Los Angeles	CA	90066	8/15/2004
Haner, Lu	9 Sherman Rd.	Millis	MA	02054	8/20/2004
Hanson, Kathryn	5431 Meadow Cir.	Huntington Beach	CA	92649	8/21/2004
Harding, Kevin	526 2 E Ave.	Quebec		FFFFF	8/19/2004
Hargesheimer, Linda	474 Morris Ave.	Newfield	NJ	08344	8/11/2004
Harney, Eileen	17 Maplewood Rd.	Medfield	MA	02052	8/17/2004
Haro, Kevin	3545 Nassau Dr.	Brookfield	WI	53045	8/21/2004
Harpole, Thane	2668 Kings Creek Rd.	Hayes	VA	23072	8/19/2004
Harradine, Gabrielle	4544 Westlawn Ave., Apt. 6	Los Angeles	CA	90066	8/11/2004
Harrington, Sharon	10906 Country Haven Dr.	Gibsonton	FL	33534	8/21/2004
Harris, Laura	943 W Holt	Ontario	CA	91762	8/21/2004
Harrour, Linda	4355 Rilea Way #1	Oakland	CA	94605	8/11/2004

Hart, Beverly	4563 N 17th Ave.	Phoenix	AZ	85015	8/17/2004
Hasso, Linda	3700 S. West Court Avenue #2029	Sioux Falls	SD	57106	8/23/2004
Haugsten, Christian	204 Albertz St.	Cloverdale	CA	95425	8/11/2004
Hauserman, Hilary	1204 E. Jefferson St.	Boise	ID	83712	8/11/2004
Hawkins, Peter	17 Fowler Ct.	New London	CT	06320	8/11/2004
Hayes, Brenda	403 Saint Mary's Rd.	Hillsborough	NC	27278	8/21/2004
Hayes, Joseph	185 Rainbow Dr.	Grand Junction	CO	81503	8/18/2004
Hayes, Sara	3705 Country Club Dr., Unit 9	Long Beach	CA	90807	8/11/2004
Hays, Jess	2120 Martin Crest Dr.	Akron	OH	44312	8/18/2004
Heacox, Barbara	1808 Harkness St.	Manhattan Beach	CA	90266	8/18/2004
Heffernan, Daniel	1703 W. Benjamin Holt Dr.	Stockton	CA	95207	8/17/2004
Heffington, Julie	225 Pestana Ave.	Santa Cruz	CA	95065	8/16/2004
Heine, Debra	5807 Spring Ivy Lane	Spring	TX	77379	8/16/2004
Heinzig, Dennis	136 Marion Ave.	Mill Valley	CA	94941	8/11/2004
Henderson, Cheryl	218 Normandy Ln.	Somerset	KY	42503	8/19/2004
Hennessey Botkin, Liza	12999 Blairwood Dr.	Studio City	CA	91604	8/11/2004
Hennig, Kai	1628 Portland Ave.	Berkley	CA	94707	8/11/2004
Henry, Russell	8511 Timberwood Ln.	Haughton	LA	71037	8/20/2004
Herbert, Crystal	618 Mills St.	Raleigh	NC	27608	8/19/2004
Herbst, Eve	402 S. Westlake Ave. #32	Los Angeles	CA	90057	8/11/2004
Herman, Judy	P.O. Box 3534	Jackson	WY	83001	8/16/2004
Heyman, William	3152 Big Sky Dr.	Thousand Oaks	CA	91360	8/11/2004
Hicks, Barbara	5010 Sun Cir.	Sarasota	FL	34234	8/21/2004
Hill, Cheyrl	23314 Summer Pine Dr.	Spring	TX	77373	8/11/2004
Hill, Tomi	406 Big Cedar Way #B	Brandon	FL	33510	8/21/2004
Hillerich, Debbie	3001 James Court	Beaver Dam	KY	42320	8/18/2004
Hillier, Jill	218 19th St., Apt C	Huntington Beach	CA	92648	8/11/2004
Hilsinger, James	145 South St., Spc A9	San Luis Obispo	CA	93401	8/11/2004
Hilton, Carol	4112 S. Fulton Pl.	Royal Oak	MI	48073	8/15/2004
Hirschfeld, Karen	6027 Kylie Court	Chino Hills	CA	91709	8/11/2004
Hirth, Denise	29911 West Lynwood St.	Buckeye	AZ	85326	8/11/2004
Hise, Diane	6068 Clay Spur Ct.	Centreville	VA	20121	8/21/2004
Hjelmstad, Gwendolyn	16638 N. 35th St.	Phoenix	AZ	85032	8/19/2004
Hochberger, Liviana	111 Chesnut Field	Peachtree City	GA	30269	8/19/2004
Hockwalt, Megan	20223 Rhapsody Rd.	Walnut	CA	91789	8/16/2004
Hodges, Susan	P.O. Box 1133	Alachua	FL	32616	8/19/2004
Hoerlein, Sara	636 Cheyenne Dr., Apt. 5	Fort Collins	CO	80525	8/19/2004
Hoff, William	114 Pappy Hunt Lane	Hot Springs	AR	71913	8/21/2004
Hoffbauer, Becky	303 E. Preston St.	Stanwood	IA	52337	8/11/2004
Hogan, Judith	556 Scenic Dr.	Santa Barbara	CA	93103	8/11/2004

Hoggan, Lynda	2521 Electric Ave.	Upland	CA	91784	8/11/2004
Hollander, Emily	10714 Tabor St.	Los Angeles	CA	90034	8/15/2004
Hollums, Kirby	8199 S Fillmore Way	Centennial	CO	80122	8/21/2004
Holt, Mark	5925 Moraga Ave.	San Jose	CA	95123	8/14/2004
Holtzman, Lisa	1809 Oak St. Apt. B	Santa Monica	CA	90405	8/11/2004
Holtzman, Michelle	13547 Ventura Blvd. #292	Sherman Oaks	CA	91423	8/11/2004
Hooper, Beth	1343 Ward St.	Berkley	CA	94702	8/11/2004
Horlick, Susan	8496 Yashuntafun Rd.	Tallahassee	Fl	32311	8/18/2004
Horn, Melissa	1592 Antelope Lane	Williams	AZ	86046	8/23/2004
Horvath, Melora	93 N Cooper Rd. Unit 27	Chandler	AZ	85225	8/11/2004
Houck, Faith	9349 NW 53rd Ct.	Sunrise	FL	33351	8/15/2004
Howard, Judith	32110 Robinson Hill Rd.	Golden	CO	80403	8/21/2004
Howard, Walter	300 Fieldbrook Place	Charlotte	NC	28209	8/19/2004
Howe, Linda	91 School Rd.	Elmont	NY	11003	8/21/2004
Howie, Mary	1710 Jim Latta Rd.	Rougemont	NC	27572	8/18/2004
Hughes, Jennifer	2604 Commons Blvd. # B	Augusta	GA	30909	8/19/2004
Huljev, Anthony	7407 W. Manchester Ave., #7	Los Angeles	CA	90045	8/11/2004
Hunt, James	521 Orange Ave. #9	Chula Vista	CA	91911	8/11/2004
Hurley, Brady	P.O. Box 9414	Aspen	Co	81612	8/11/2004
Hurley-Shoaf, Kimberly	426 Beech Dr.	Lexington	NC	27292	8/22/2004
Hurst-Matulewicz, Darcia	2524 130th Street SE	Everett	WA	98208	8/11/2004
Huskey, Marylin	4333 E. Angela Dr.	Phoenix	AZ	85032	8/15/2004
Hutchinson, Jill	103 Merrimac Ct.	Lexington	SC	29072	8/21/2004
Hutchinson, Terrance	21305 Conklin Ct.	California City	CA	93505	8/19/2004
Huth, Peggy	1817 Island View Dr.	Mesquite	TX	75149	8/22/2004
Hutson, Krissy	2222 N. 13th St.	Phoenix	AZ	85006	8/11/2004
Hyde, Francine	214 Wedgewood Dr.	Pittsburgh	PA	15227	8/21/2004
Inouye, Keri	206 E. Chilton Dr.	Tempe	AZ	85283	8/15/2004
Isbell, Susanna	21 Grand St.	Oneonta	NY	13820	8/11/2004
Iyer, Lisa	3018 Corte Hermosa	Newport Beach	CA	92660	8/11/2004
Jackson, Anne	P.O. Box 516	Morgantown	PA	19543	8/16/2004
Jackson, Barbara	P.O. Box 562	Wichita Falls	TX	76307	8/20/2004
Jackson, Joseph	640 Homewood Dr.	Pittsburg	PA	15235	8/20/2004
Jackson, Tom	720 16th St, Loft 418	Denver	CO	80202	8/15/2004
Jackson, Weldon H	2789 Bardy Road	Sant Rosa	CA	95404-8	8/15/2004
Jacobi, Robert	P.O. Box 68	Healdsburg	CA	95448	8/17/2004
Jamvold, Shunko	340 Acadia Ln.	San Rafael	CA	94903	8/17/2004
Janousek, Jennifer	9657 Inver Grove Trail	Inver Grove Heights	MN	55076	8/16/2004
Janowitz-Price, Beverly	796 N. Sunset Rd.	Apache Junction	AZ	85219	8/11/2004
Javinsky, Elizabeth	10551 Greenbrier Rd., Apt 317	Minnetonka	MN	55305	8/15/2004

Jay, B.	511 Hill St. #310	Santa Monica	CA	90405	8/20/2004
Jazwinski, Joan	9929 E. Placita De Las Palmeritas	Tucson	AZ	85747	8/11/2004
Jeffs, Michelle	8330 N. 19th Ave. #3125	Phoenix	AZ	85021	8/19/2004
Jelinek, Alexander	10070 Pasadena Ave, Apt. C	Cupertino	CA	95014	8/11/2004
Jensen, Noelle	2750 So. Durango # 2041	Las Vegas	NV	89117	8/11/2004
Jezyk, Peter	7270 N. Wade Rd.	Tucson	AZ	85743	8/11/2004
Jiminez, Blanca	6120 Hooper Ave., Apt. 4	Los Angeles	CA	90001	8/11/2004
Jo, Pamela	Box 8347	Incline Village	NV	89452	8/16/2004
Joffe, Gary	1260 Napoli Dr.	Pacific Palisades	CA	90272	8/20/2004
Johanson, Karen	1720 Sky Mountain Way	Henderson	NV	89014	8/17/2004
Johns, Kathy	2261 S. Williams Rd.	Greenbrier	TN	37073	8/19/2004
Johnson, Beverly	6142 E. Port Bay Rd.	Wolcott	NY	14590	8/21/2004
Johnson, Janet	175 S. Main St.	Manchester	CT	06040	8/20/2004
Johnson, Jill	463 Springwood Dr.	Joliet	IL	60431	8/20/2004
Johnson, Kathryn	261 Meadow Dr.	Genoa City	WI	53128	8/11/2004
Johnson, Lizabeth	21705 52nd Ave. West	Mountlake Terrace	WA	98043	8/18/2004
Johnson, Michelle	916 Divisadero St.	Fresno	CA	93721	8/16/2004
Johnson, Nancy	73465 315th St.	Collins	IA	50055	8/19/2004
Johnson, Terry Floyd	1327 E. 4th St., Ste. D	Long Beach	CA	90802	8/11/2004
Johnson, Tim	P.O. Box 2188	Seward	AK	99664	8/19/2004
Johnston, Steve	1543 N. Plaza De Lirios	Tucson	AZ	85745	8/11/2004
Johnston, Timothy	3094 Lake Dr., Apt. F7	Marina	CA	93933	8/11/2004
Jones, Linda	1349 Hollowell St.	Ontario	CA	91762	8/11/2004
Jones-Napier, Pennye	236 Walnut St. NW	Washington	D.C.	20012	8/17/2004
Jordan, Diana	201 N. 67th Ave.	Hollywood	FL	33024	8/16/2004
Jorgenson, James	1121 Top O' Hollow Rd.	Ames	IA	50010	8/18/2004
Judah, Debe	125 S. Kalanchoe Ave.	Broken Arrow	OK	74012	8/16/2004
Jurgens, Barbara	13005 NE 71st St.	Kirkland	WA	98033	8/19/2004
Justice, Mark	1940 Fullerton Rd., Apt. 57	Rowland Heights	CA	91748	8/12/2004
Kadletz, David	2778 Worden St.	San Diego	CA	92110	8/22/2004
Kaitlin, N.	104 SE 6th St.	Battle Ground	WA	98604	8/16/2004
Kalina, Matt	8342 E. Weldon Ave.	Scottsdale	AZ	85251	8/11/2004
Kalman, Janet	901 NW 4th Ave.	Boca Raton	FL	33432	8/15/2004
Kalmar, Angie	9552 Via Venezia	Burbank	CA	91504	8/17/2004
Kane, Caroline	4664 Vantage Ave.	Valley Village	CA	91607	8/11/2004
Kaneko, Sabine	674 Via Santa Ynez	Pacific Palisades	CA	90272	8/11/2004
Karlsvik, Sandra	P.O. Box 32	Fox Island	WA	98333	8/15/2004
Kashanian, Nematolah	170 Prospect Ave.	Hackensack	NJ	07601	8/21/2004
Kato, Masashi	440-1-212 Kamiyabe-Cho Totsuka-Ku	Yokohama	Ch		8/21/2004
Katz, Alissa	Lanikaula	Hilo	HI	96720	8/17/2004

Kawa, Sandra	1620 SE Green Acres Ci. N101	West Warwick	RI	02893	8/12/2004
Kegelman, B.	665 S. Wawaset Rd.	West Chester	PA	19382	8/11/2004
Kehn, Phillip	9 Poplar Ave.- Elsemere	Wilmington	DE	19805	8/11/2004
Kelly, Rebecca	421 Chisolm Trl.	Hurst	TX	76054	8/19/2004
Kennedy, Barbara	3009 Beach Ave.	Venice	CA	90291	8/11/2004
Kennedy, Heather	220 Sonora Dr. SE	Calhoun	GA	30701	8/22/2004
Kennedy, Jean	5001 Robinsong Rd.	Sarasota	FL	34233	8/21/2004
Kenny, Joseph	3770 Ruette San Raphael	San Diego	CA	92130	8/11/2004
Kerby, Katherine	4612 W. Hayward Pl.	Denver	CO	80212	8/15/2004
Kerwell, Cherie	417 N. Durkee St.	Appleton	WI	54911	8/20/2004
Kesselman, Barry	45 Crocked Rd.	Medford	MA	02155	8/20/2004
Kessler, Kresta	212 Bibb Ave.	Beckley	WV	25801	8/21/2004
Ketterer, Marcia	2102 W. Dahlia Dr.	Phoenix	AZ	85029	8/11/2004
Kieffer, Ramsay	622 Adams Dr.	Milford	DE	19963	8/11/2004
Kilgore, Darlene	723 W 101st Ave.	Tampa	FL	33612	8/21/2004
Kindred, Loretta	212 Prospect St.	Shreveport	LA	71104	8/16/2004
King, Marcia	11350 Chenault St.	Los Angeles	CA	90049	8/17/2004
Kirby, Lynn	4148 Maybelle Ave.	Oakland	CA	94619	8/11/2004
Kirby, Rya	231 Moran St.	Reno	NV	89501	8/11/2004
Kirkpatrick, Jennifer	28555 Melling Dr.	Scappoose	OR	97056	8/21/2004
Kirshner, Nicole	60 E. 8th St., Apt 17 E	New York City	NY	10003	8/20/2004
Kisluk, Jan	1914 Eaton Rd., P.O. Box 1325	North Conway	NH	03860	8/22/2004
Kisor, Dave	1970 7th St., #112	Riverside	CA	92507	8/12/2004
Kistler, Lousie	3645 W 46th Ave.	Denver	CO	80211	8/21/2004
Kistner, Carrie	186 Chesnut St.	Manchester	CT	06040	8/19/2004
Kitchens, Elizabeth	2201 Virginia St., Apt 5	Berkley	CA	94709	8/16/2004
Klein, Emily	1436 Missouri St.	San Diego	CA	92109	8/17/2004
Klein, Laura	1519 Virginia St.	Berkley	CA	94703	8/16/2004
Kogan, Susan	209 Belmont Pl. #209	Boynton Beach	FL	33436	8/22/2004
Kondreck, Janine	799 Dahlia St. Apt 201	Denver	CO	80220	8/19/2004
Konie, Lisa	13446 Alvarado Ct.	Saratoga	CA	95070	8/16/2004
Koplik, Elaine	20 Stonehenge Ln. Apt. 10 A	Albany	NY	12203	8/20/2004
Koplik, Mary	20 Stonehenge Ln. Apt. 10 A	Albany	NY	12203	8/20/2004
Kosinski, Cindy	104 Mary St.	Binghamton	NY	13903	8/11/2004
Kovacs, Natalie	23592 Windsong Apt #51-G	Aliso Viejo	CA	92656	8/11/2004
Kozak, Fred	19 Waters Edge	Marston Mills	MA	02648	8/21/2004
Kral, Suzanne	13208 Chillicothe Rd.	Chesterland	OH	44026	8/19/2004
Krampert, Melissa	24 Cabot St. Apt. 1	Salem	MA	01970	8/20/2004
Kreider, Ben	228 W. Main St., Apt #2	Mountville	PA	17554	8/15/2004
Krenelka, Jo	10157 Jett Dr.	St. Louis	MO	63136	8/18/2004

Kritzer, Sherry	P.O. Box 938	Moss Beach	CA	94038	8/15/2004
Kropf, Joseph	48 Everett St.	Kensington	CT	06037	8/15/2004
Krueger, D.	5280 Little Mountain Dr., Apt. H3	San Bernardino	CA	92407	8/16/2004
Krug-Foster, Christa	P.O. Box 208	Visalia	CA	93279	8/19/2004
Krupitiski, Daniel	2135 Beverwil Dr.	Los Angeles	CA	90034	8/11/2004
Kuhn, Rosie Marie	1655 W. Tenaya Way	Fresno	CA	93711	8/11/2004
Kuiper, Amy	5220 Osceola	Denver	CO	80212	8/21/2004
Kuo, Stephanie	5032 Amberwood Dr.	Fremont	CA	94539	8/11/2004
Kushner, Barry	343 Penn St.	Burlington	NJ	08016	8/20/2004
La Mar, Diana	3647 Jennifer St.	San Diego	CA	92117	8/22/2004
La Spada, Erica	830 Woodfield Ct.	Kissammee	FL	34744	8/20/2004
Lacobucci, Maryann	177 N. Madison Ave.	Upper Darby	PA	19082	8/11/2004
Lamont, Diane	11922 Tennessee Ave.	Los Angeles	CA	90064	8/11/2004
Landowne, Deborah	108 Belle Ave.	San Rafael	CA	94901	8/11/2004
Langlitz, Linda	22710 John Rolfe Ln.	Katy	TX	77449	8/11/2004
Langsam, Raphael	11250 78th Ave., Apt 1 D	Flushing	NY	11375	8/18/2004
Langston, Diane	P.O. Box 628	Buchanan Dam	TX	78609	8/19/2004
Lanning, Kathryn	3417 S. Heritage St.	Visalia	CA	93277	8/11/2004
Lanning, Michalyn	603 Woodlake Cir.	Sugar Land	TX	77478	8/22/2004
Lanoir, Bridget	12 Lake Placid Club Dr.	Lake Placid	NY	12946	8/15/2004
Lanteri, Pete	75 Chenango Dr.	Bay Shore	NY	11706	8/21/2004
Lantz, Carol Ann	27494 S Boundary Rd.	Corvallis	OR	97330	8/21/2004
Larosa, Gary John	34-24 82nd Street Apt 4-L	Jackson Heights	NY	11372	8/11/2004
Larson, Anissa	2398 N Keystone Dr.	Flagstaff	AZ	86004	8/15/2004
Lauder, David	322 Hambletonian Dr.	Oak Brook	IL	60523	8/19/2004
Lavin, Jennifer	1618 Cherry Lake Way	Heathrow	FL	32746	8/17/2004
Lawrence, Sylvia	1709 4th St., S.E.	Auburn	WA	98002	8/20/2004
Lawrence, William	1802 SW 10th Ave. #308	Portland	OR	97201	8/21/2004
Layden, Marcella	300 Kenyon St. NW #F2	Olympia	WA	98502	8/18/2004
Leatto, Renne	11011 Groveshire Ct.	Ocoee	FL	34761	8/21/2004
Lebo, Harlan	3265 Military Ave.	Los Angeles	CA	90034	8/16/2004
Lee Deanna	14 Gomez Way	Mill Valley	CA	94941	8/17/2004
Lee, Donna	387 Vista Linda Dr.	Mill Valley	CA	94941	8/11/2004
Lee, Robin	2009 SE Larch Ave.	Portland	OR	97214	8/22/2004
Leffmann, Paula	19074 Fitzgerald Ln.	Covington	LA	70435	8/17/2004
Lehr, Jennifer	19676 Grand View Dr.	Topanga	CA	90290	8/11/2004
Leiser, Stephanie	21071 Entrada Raod	Topanga	CA	90290	8/16/2004
Lemieux, Jean	3074 Cascade Ct.	Camino	CA	95709	8/11/2004
Lemontangue, Donna	20 Hurd Bridge Rd.	Clinton	CT	06413	8/21/2004
Lenihan, Janet	225 Monroe St., Apt. 2	Monterey	CA	93940	8/11/2004

Leong, Jennifer	695 Arbor Dr.	San Leandro	CA	94577	8/17/2004
Levitt, Lacey	11747 W. Sunset Blvd.	Los Angeles	CA	90049	8/11/2004
Lewis, Timothy	130 N. Hamilton St., Apt. 11	Chandler	AZ	85225	8/16/2004
Libbey, Richard	2120 Ocean Blvd.	Atlantic Beach	NY	11509	8/15/2004
Lichtenberger, Mark	2650 Wheatfield Cir.	Simi Valley	CA	93063	8/11/2004
Lickey, Adrienne	5133 Wild Cherry Ln.	Strawberry Plains	TN	37871	8/22/2004
Liebenow, Kimberly	4297 Calernbar Way	Paradise	CA	95969	8/15/2004
Liessner, Janet	206 City Rd.	Woodstock	CT	06281	8/11/2004
Lightford, Arlene	147 El Pinar	Los Gatos	CA	95032	8/11/2004
Lihou, Christopher	1338 28th St. S. Apt 2	Arlington	VA	22206	8/19/2004
Lindgren, Kristie	1423 Brentwood Dr.	Round Lake Beach	IL	60073	8/19/2004
Lindwright, Philippia	2184 Rosewood Ln. North	Roseville	MN	55113	8/20/2004
Link-Schreiber, Doris	N 621 Cth Dd	Withee	WI	54498	8/20/2004
Linthicum, Susan	8409 Twin Lakes Blvd.	Tampa	FL	33614	8/11/2004
Lisiewski, Kitrina	270 Federal Rd.	Monroe Township	NJ	08831	8/18/2004
Litman, Robin	6301 N Sheridan Rd.	Chicago	IL	60660	8/21/2004
Litten, Jesse	515 Kelton Ave.	Los Angeles	CA	90024	8/11/2004
Loh, Val	2552 Peter Street	Honolulu	HI	96816	8/21/2004
Long, Vernon	960 Cynthia Dr.	Sandwich	IL	60548	8/12/2004
Lopez, Brigitta	1815 N. Alvarado St.	Los Angeles	CA	90026	8/15/2004
Lopez-Balbontin, Adrian	T 401 Charles E. Young Drive West	Los Angeles	CA	91202	8/15/2004
Loucks, Cynthia	965 Sharlot Ave.	Prescott	AZ	86303	8/21/2004
Loudon, Sharon	24203 N 200 E Rd.	Long Point	IL	61333	8/11/2004
Louin, Alanna	1141 Lighthouse Ave., Apt. 432	Pacific Grove	CA	93950	8/17/2004
Love, Sarah	838 S. Scoville Ave., Apt 1	Oak Park	IL	60304	8/19/2004
Loveall, Kristie	P.O. Box 378	Lodi	CA	95241	8/11/2004
Lovelace, Lanelle	13994 Marc Dr.	Pine Grove	CA	95665	8/21/2004
Loveland, Jim	1410 Freemont St.	Gulfport	FL	33707	8/20/2004
Lowe, Lewis	5860 Lynn St.	San Diego	CA	92105	8/21/2004
Lowe, Lewis	5860 Lynn St.	San Diego	CA	92105	8/21/2004
Lubovich, Suzanne	7351 Sportsman Club Rd NE	Bainbridge Island	WA	98110	8/11/2004
Lucas, Diane	1330 Airport Rd.	Morris	IL	60450	8/11/2004
Lucchese, Anthony	169 Brewery Rd.	New City	NY	10956	8/18/2004
Lund, Sierra	4147 Edith Ct.	Prescott Valley	AZ	86314	8/16/2004
Lundeen, Bill	6970 N. Taylor Ln.	Tucson	AZ	85743	8/17/2004
Lunsford, Jim	1788 La Force Rd.	Alpine	CA	91901	8/11/2004
Lyons, Anthony	706 Grand St.	Lamar	MO	64759	8/15/2004
Macaruso-Lineberger, Gina	8040 E. Flying Z Ln.	Floral City	FL	34436	8/18/2004
MacDonald, B.C.	P.O. Box 69	Albion	CA	95410	8/11/2004
Macdonald, Laura	619 Victory Parkway	Elmhurst	IL	60126	8/19/2004

Macdonald, Meilani	66155 Acoma Ave.	Desert Hot Spring	CA	92240	8/20/2004
Macdonald, Sarah	8050 Cooper Ave.	Inver Grove Heights	MN	55076	8/20/2004
Machart, Delores	9442 S Albany Ave.	Evergreen Park	IL	60805	8/21/2004
Mackrell, Thomas	3116 Peach St., Apt. 2	Erie	PA	16508	8/17/2004
Maddock, June	9094 S. Pine Drive	Beulah	CO	81023	8/19/2004
Maher, Lauren	3030 Waverly Dr. #6	Los Angeles	CA	90039	8/11/2004
Mahrt, Jack	209 Roosevelt St.	Coalinga	CA	93210	8/17/2004
Mair, Dean	P.O. Box 65	Woodruff	AZ	85942	8/11/2004
Majors, Carol	10022 Reseda Blvd. Unit 20	Northridge	CA	91324	8/11/2004
Majors, Shirley	3533 E. Hearn Rd.	Phoenix	AZ	85032	8/20/2004
Maldonado, Chris	412 N. Whitcomb St.	Fort Collins	CO	80521	8/20/2004
Malloy, Benjamin	1700 Freeman Dr., Trlr. 27	Saint Peter	MN	56082	8/19/2004
Maloney, Kristie	5015 Brookhaven Way	Antioch	CA	94531	8/11/2004
Mamula, Christine	55 Susan Ln.	Stafford	VA	22556	8/21/2004
Mangerino, Janice	295 Marguerita Ln.	Pasadena	CA	91106	8/11/2004
Manning, Laura	6041 Suellen Ct.	Goleta	TX	93117	8/11/2004
Manning, Meaghan	121 Villa Circle	Boynton Beach	FL	33434	8/19/2004
Mapp, Michael	22 15th Ave.	San Francisco	CA	94118	8/17/2004
Marasca, Alithea	2130 Ash St.	Palo Alto	CA	94306	8/16/2004
Marcalus, Michele	8475 Greenleaf Ln.	Rancho Cucamonga	CA	91730	8/11/2004
Marchese, John	3155 Laurel Ave.	Henderson	NV	89014	8/11/2004
Marchesi, Wendi	1465 Washington St.	San Francisco	CA	94109	8/11/2004
Marcotte, Keith	6 Hopkins Rd.	Jamaica Plain	MA	02130	8/19/2004
Marcus, Martin	5015 Greenbriar Ave.	San Diego	CA	92120	8/15/2004
Maris, Kathi	1955 N. Mount Carmel	Wichita	KS	67203	8/21/2004
Maris, Keith	1955 N. Mount Carmel	Wichita	KS	67203	8/21/2004
Markowitz, David	950 High School Way, Apt. 3227	Mountain View	CA	94041	8/11/2004
Marks, Linda	Star Rte Chilao Maint Sta.	La Canada Flt	CA	91011	8/11/2004
Marohn, Kris	2736 Summertree Dr.	Carrollton	TX	75006	8/18/2004
Marris, Kathleen	2350 Bear Valley Rd. P.O. Box 583	Point Reyes Stat	CA	94956	8/11/2004
Marshall, Ava	3212 W. Platte Ave.	Colorado Springs	CO	80904	8/19/2004
Marshall, Jack	21569 Main St.	Barstow	CA	92311	8/20/2004
Marshall, Lisa	15023 Rain Shadow Ct.	Houston	TX	77070	8/21/2004
Martin, Elandriel	7743 E. Avenue U	Littlerock	CA	93543	8/11/2004
Martin, Gloria	125 G18 West	Carney	MI	49812	8/16/2004
Martin, Michelle	1110 Patton Way	McDonough	GA	30252	8/21/2004
Martselos, Jerry	2 Alderbrook Rd.	Bronx	NY	10471	8/16/2004
Marx, Gregg	6207 Maryland Dr.	Los Angeles	CA	90048	8/16/2004
Massberg, Lori	4247 Hunters Circle West	Canton	MI	48188	8/19/2004
Massimino, Frances	6950 Sayre Dr.	Oakland	CA	94611	8/11/2004

Mastri, Frank	165 Silver St.	Bridgeport	CT	06610	8/11/2004
Matejcek, Patricia	117 Forest Ave.	Santa Cruz	CA	95062	8/11/2004
Mathews, Jennifer	110 El Nido Ave., Apt. 84	Pasadena	CA	91107	8/15/2004
Mattaliano, Mary Ann	29 W 18th St.	Bayonne	NJ	07002	8/21/2004
Mattaliano, Mary Ann	29 W. 18th St.	Bayonne	NJ	07002	8/21/2004
Matthews, Sharon	211 Hillcrest Dr.	Encinitas	CA	92024	8/11/2004
Matthews, Sharon	211 Hillcrest Dr.	Encinitas	CA	92024	8/11/2004
Maxheimer, Susan	42915 Wisconsin Ave.	Palm Desert	CA	92211	8/15/2004
Maybury, John	1302 Rosita Rd.	Pacifica	CA	94044	8/21/2004
Mayers, Melinda	33 Crystal Lake Ln.	Spring	TX	77380	8/11/2004
McCallum, James	907 Towson Dr.	Abigdon	MD	21009	8/21/2004
McConaghy, Stacy	2433 Sweetbriar Lane	Rock Hill	SC	29732	8/21/2004
McCrae, Lyle G.	716 NE 10th St.	North Bend	WA	98045	8/15/2004
McCreless, Erin	95 Clark St.	New Haven	CT	06511	8/19/2004
McCullough, Megan	789 Santa Ana Blvd.	Oak View	CA	93022	8/19/2004
McCune, Sean	9535 Acer Ave., Apt 602	El Paso	TX	79925	8/17/2004
McDaniel, Roxanne	407 Orange St., Apt. 501	Oakland	CA	94610	8/16/2004
McDonald, Claude & Cynthia	6633 Mt. Forest Dr.	San Jose	CA	95120	8/16/2004
McDonald, Mary Ann	2653 2nd Ave., Apt 3	Sacramento	CA	95818	8/11/2004
McEachern, Nina	303 Market St., Apt. 527	San Diego	CA	92101	8/11/2004
McIntrye, Susan	P.O. Box 117	Derby Line	VT	05830	8/17/2004
McKenney, Shannon	1623 Wesey Ave.	Utica	NY	13502	8/11/2004
McKenzie, Catherine	3825 Chatfield Ave.	Baton Rouge	LA	70808	8/21/2004
McKinney, Laura	12707 Mitchell Ave. #201	Los Angeles	CA	90066	8/11/2004
McLellan, Tawny	222 Avd De La Vereda	Ojai	CA	93023	8/15/2004
McMillan, Laurie	125 Tambec Trce NW	Lilburn	GA	30047	8/21/2004
McNally, Maurine	4023 North Pontiac Avenue	Chicago	IL	60634	8/21/2004
McNamara, Vivian	401 B Richmond St.	El Segundo	CA	90245	8/19/2004
McNaughton, Patricia	Rr #3	Desoto	KS	66018	8/11/2004
McNeil, Daniel	7815 A Timber Commons Ln.	Charlotte	NC	28212	8/18/2004
McNiff, Claudia	1623 E. Candlestick Dr.	Tempe	AZ	85283	8/11/2004
McNitt, Ruth	1752 S. Rogers Cir.	Mesa	AZ	85202	8/11/2004
McPherson, Ray	P.O. Box 1155	Aberdeen	WA	98520	8/22/2004
McRae, Lyle, G.	716 NE 10th St.	North Bend	WA	98045	8/15/2004
Meacham, Meribeth	2810 Franklin St., Apt. 32	San Francisco	CA	94123	8/17/2004
Medanic, Rachel	265 Vernon St., #109	Oakland	CA	94610	8/15/2004
Medeiros, Mary	2799 Castle Hill Ct., Apt 2	Sacramento	CA	95821	8/20/2004
Meeker, Jim	2712 Onate Rd.	Roswell	NM	88201	8/21/2004
Meglashen, Ann	1384 Rio Santa Cruz	Green Valley	AZ	85614	8/22/2003
Melendez, Chris	4633 Bountiful Way	Las Vegas	NV	89121	8/20/2004

Mercury, Rhyann	7409 Yarmouth Ave.	Reseda	CA	91335	8/15/2004
Merrill, Deborah	653 Partridge Ave.	Menlo Park	CA	94025	8/11/2004
Merrill, Susanne	1874 Castle Rock Road	Afton	VA	22920	8/11/2004
Messina, Matthew	104 Hempstead Ave.	Lynbrook	NY	11563	8/18/2004
Meyers, Mandy	120 S. Delsea Dr.	Clayton	NJ	08312	8/11/2004
Meyert, Suzanne	152 Branchbrook Dr.	Henrietta	NY	14467	8/19/2004
Miceli, Susan	P.O. Box 177	Streamwood	IL	60107	8/19/2004
Michaels, Shirley	4849 E. Palo Brea Ln.	Cave Creek	AZ	85331	8/11/2004
Michalski, Misty	32383 Corydon St.	Lake Elsinore	CA	92530	8/16/2004
Mies, Charles	13n258 Wedgewood Dr.	Elgin	IL	60123	8/21/2004
Mikkelson, Bernadette	188 Walter Ave.	Hauppauge	NY	11788	8/21/2004
Miles, Charlie	3830 E. Windsong Dr.	Phoenix	AZ	85048	8/11/2004
Miller, Edmund	488 University Ave., Apt 619	Palo Alto	CA	94301	8/11/2004
Miller, Gloria	P.O. Box 1130	Springville	CA	93265	8/16/2004
Miller, Jean	1023 New Dawn Lane	Odenton	MD	21113	8/20/2004
Miller, Leslie	10022 Reseda Blvd., Unit 8	Northridge	CA	91324	8/11/2004
Miller, Meshell	3636 Jenny Lind Ave.	North Highlands	CA	95660	8/11/2004
Miller, Michael	3973 Greasewood St.	Yucca Valley	CA	92284	8/17/2004
Mink, Erin	500 W. 11th St. #300 E	Lawrence	KS	66044	8/19/2004
Mishka, Erica	4179 N. Bloomington Ave., Apt. 203	Arlington Heights	IL	60004	8/15/2004
Mishodek, Sandy	P.O. Box 1614	Running Springs	CA	92382	8/16/2004
Mitchell, Denise	2149 Savoy St.	Corpus Christi	TX	78414	8/19/2004
Mitrou, Gina	25023 Peachland Ave. Apt. 152	Newhall	CA	91321	8/11/2004
Mizerany, Catherin	2365 Virginia Ct.	Arnold	MO	63010	8/22/2004
Mollen, Phyllis	205 W. 91st St., Apt. 3B	New York	NY	10024	8/23/2004
Montelli, Patricia	118 Richards Glen Dr.	Franklin	TN	37067	8/15/2004
Montgomery, Douglas	707 Haight St., Apt. 2	San Francisco	CA	94117	8/11/2004
Mooberry, Jane	1917 Sea Gull Dr.	El Paso	TX	79936	8/21/2004
Moody, Kristel	536 Deer Creek Ct.	Jackson	NJ	08527	8/20/2004
Moon, Rachel	6311 Bach Dr.	West Chester	OH	45069	8/19/2004
Moore, Whitney	144 Skyland Dr.	Lakeland	FL	33813	8/19/2004
Morasca, Alithea	2130 Ash St.	Palo Alto	CA	94306	8/17/2004
Moreno, Christine	6251 Palm Trace Landings Dr. Apt 119	Davie	FL	33314	8/11/2004
Morford, Carrie	119 Vivian Dr.	Pleasant Hill	CA	94523	8/16/2004
Morgan, Amy	P.O. Box 247	Rivesville	WV	26588	8/17/2004
Morgan, Michelle	1760 Avenida Del Mundo Unit 201	Coronado	CA	92118	8/11/2004
Morris, Caren	2604 Spearpoint Dr.	Reno	NV	89509	8/11/2004
Morris, Marion	36482 Rodgers Ln.	Yucaipa	CA	92399	8/11/2004
Morris, Marion	36482 Rodgers Ln.	Yucaipa	CA	92399	8/11/2004
Morris, Sharon	23693 Glenbrook Ln.	Hayward	CA	94541	8/11/2004

Morrison, Fran	17875 La Rosa Ln.	Fountain Valley	CA	92708	8/16/2004
Morse, Debbie	3700 Lyon Rd., Apt. 260	Fairfield	CA	94534	8/11/2004
Mortellito, Nina	401 East 88th St.	New York	NY	10128	8/20/2004
Mortellito, Nina	401 East 88th St.	New York City	NY	10128	8/20/2004
Moryusef, Alberto	17890 W Dixie Hwy., Apt 305	North Miami Beach	FL	33160	8/21/2004
Mosher, Monique	14 Sylvia Ln.	Corrales	NM	87048	8/11/2004
Moshier, Deborah	5 Sea Meadows Lane	Waterford	CT	06385	8/19/2004
Mueller, Marianne	345 Forest Ave, Apt. 111	Palo Alto	CA	94301	8/15/2004
Muenter, Andrea	1755 Partridge Dr.	San Luis Obispo	CA	93405	8/11/2004
Mufalli, Sam	709 Church Rd.	Cherry Hill	NJ	08002	8/17/2004
Mullan, Terry	16237 N 57th St.	Scottsdale	AZ	85254	8/12/2004
Mullins, Veneita	280 Grant Ave.	Satellite Beach	FL	32937	8/18/2004
Munn, Sharon	432 158th St. SE	Bothell	WA	98012	8/20/2004
Murphy, Barbara	P.O. Box 695	Somers	NY	10589	8/15/2004
Murphy, Liz	9560 White Meadow Rd.	Pollack Pines	CA	95726	8/11/2004
Murphy, Michele	3707 Brooklyn Ave.	Brooklyn	MD	21225	8/18/2004
Murphy, Penny	8480 Gulf Beach Highway	Pensacola	FL	32516	8/20/2004
Murray, Joel	1507 E West Hwy. Apt. 173	Silver Spring	MD	20910	8/21/2004
Myers, Jim	4038 E. Hayhurst Ln.	Tucson	AZ	85712	8/11/2004
Naftaly, Stanley	521 N. La Cumbre Rd., Apt. 52	Santa Barbara	CA	93110	8/11/2004
Namisnik, Wendy	3138 Prince Henry Dr.	Sacramento	CA	95833	8/11/2004
Nance, O.	P.O. Box 255	Carlotta	CA	95528	8/11/2004
Navas, Mary Ellen	743 A Walker Ave.	Oakland	CA	94610	8/11/2004
Navon, Gina	46 1st St.	Rumson	NJ	07760	8/22/2004
Neidhammer Jr., William.	1127 Canadochly Rd.	York	PA	17406	8/16/2004
Nelson, Barbara	462 Esplanade	Pelham	NY	10803-2646	8/11/2004
Nelson, Frances	1651 Cumberland St.	St. Paul	MN	55117	8/16/2004
Nelson, Jeanne	5017 Stonehedge Dr.	Santa Rosa	CA	95405	8/11/2004
Nelson, Louise	8992 Edcliff Ct. SE	Aumsville	OR	97325	8/11/2004
Nelson, Lynnze	1875 Orange Grove Dr.	San Jose	CA	95124	8/16/2004
Nemour, Stacey	527 S. Hobart Blvd #503	Los Angeles	CA	90020	8/11/2004
Nestler, Diane	227 S. San Gabriel Ave.	Azusa	CA	91702	8/11/2004
Neveux, Dominique	1820 Simpson Ave.	Reno	NV	89503	8/15/2004
Niccoli, Arthur	2 Nakomo Dr.	Litchfield	NH	03052	8/11/2004
Nicholls, Valerie	1000 SW 130th #104	Seattle	WA	98146	8/20/2004
Nicholson-Schenk, Marguerite	6626 McCallum St.	Philadelphia	PA	19119	8/16/2004
Ninneman, Douglas	414 E Cedar Ave. Apt. 4	Burbank	CA	91501	8/21/2004
Nittinger, Donna	P.O. Box 1543	Sebastopol	CA	95473	8/19/2004
Nobbe, Nancy	11187 Chase Way	Wesminister	CO	80020	8/22/2004
Noll, Sharon	1660 E Crimson Canyon Pl.	Tucson	AZ	85737	8/16/2004

Norman, Gina	738 W. Valley View Dr.	Fullerton	CA	92835	8/20/2004
Norwine, Judith	323 E. 11th St.	Port Clinton	OH	43452	8/11/2004
Novak, Judy	21073 Foothill Trail	Akeley	MN	56433	8/17/2004
O., Nance	P.O. Box 255	Carlotta	CA	95528	8/12/2004
Obuckley, Todd	881 Airport Rd.	Chapel Hill	NC	27514	8/18/2004
Obudzinski, Dirk	710 N. Hummingbird Ln.	Sedona	AZ	86336	8/17/2004
Ochoa, Zenobia	900 W. Zeering Rd.	Turlock	CA	95382	8/11/2004
Oden, Carroll	13218 N 76th Pl.	Scottsdale	AZ	85260	8/15/2004
O'Donnell, Matt	2340 Lemur St.	Santa Rosa	CA	95401	8/11/2004
Ohanian, Diane	7890 Hemphill Dr.	San Diego	CA	92126	8/16/2004
Oldham, Danielle	12 W. 2nd Ave., Apt D	Conshohocken	PA	19428	8/17/2004
Oliver, Ardis	8851 Gothic Ave.	North Hills	CA	91343	8/17/2004
Oliver, Jennifer	408 Sansom St.	Upper darby	PA	19082	8/11/2004
Olson, Sandra	1819 Elm St.	Alameda	CA	94501	8/11/2004
Oman, Gilda	415 Miramar St.	Upland	CA	91784	8/11/2004
Orcholski, Gerald	2400 Brigden Rd.	Pasadena	CA	91104	8/11/2004
Ortiz, Rachel	14347 Huntingfield Ct.	Orlando	FL	32824	8/18/2004
Osborn, Kellie	6377 Rouget Rd.	Palmyra	MI	49268	8/21/2004
Osborn, Kristin	850 Beech St. #102	San Diego	CA	92101	8/11/2004
Oster, Carol	86 Bonnie St.	Glasgow	MT	59230	8/23/2004
Ostrowski, Marcia	3850 N. Fanning Dr., Unit C-4	Flagstaff	AZ	86004	8/11/2004
Ourusoff, Peter	3833 Ross Rd.	Sebastopol	CA	95472	8/15/2004
Outler, D.	4862 N.E. 4th Ave.	Fort Lauderdale	FL	33334	8/18/2004
Overton, Paul	6810 Dilusso Dr. #276	Elk Grove	CA	95758	8/16/2004
Owen, Aledajeanne	P.O. Box 61	Oak Harbor	WA	98277	8/21/2004
Owen, Betty	1190 Pismo Ave.	Los Osos	CA	93402	8/11/2004
Paddock, Kathryn	5386 Jed Smith Rd.	Hidden Hills	CA	91302	8/22/2004
Paddock, Margaret	1790 W. Desert Willow Dr.	Cottonwood	AZ	86326	8/11/2004
Paige, Stacey	621 S. Gramercy Pl. Apt 310	Los Angeles	CA	90005	8/16/2004
Pak, Phyllis	8987 Roosevelt Hwy	Warm Springs	GA	31830	8/11/2004
Pakradooni, Jennie	81 Surrey Street	Brighton	MA	02135	8/20/2004
Paley, Jane	11133 Rose Ave., Apt. 8	Los Angeles	CA	90034	8/11/2004
Palladine, Michelle A.	777 E. Tahquitz Canyon Way, Ste. 200	Palm Springs	CA	92262	8/16/2004
Palmer, Geri	248 Bernick Dr.	Langhorne	PA	19047	8/21/2004
Palmer, Richard	P.O. Box 576864	Modesto	CA	95357	8/11/2004
Palozola, Rosemarie	9199 Sunshine Blvd.	New Port Richey	FL	34654-4	8/18/2004
Panjabi, Arvind	5501 Continental Dr.	Fort Collins	CO	80526	8/19/2004
Panzica, Marguerite	12528 Stillman St.	Lakewood	CA	90715	8/16/2004
Parham, Glenda	P.O. Box 146	Humphrey	AR	72073	8/19/2004
Parke, Elizabeth	1212 E. 7th St.	Pittsburgh	KS	66762	8/21/2004

Parker, Erika	Carriage Hills	Conroe	TX	77384	8/20/2004
Parker, Judson	917 Shabbona Trl	Batavia	IL	60510	8/18/2004
Parker, Nicole	8411 Hunting Saddle Dr.	Hudson	FL	34667	8/22/2004
Parker, Rodney	Carriage Hills	Conroe	TX	77384	8/20/2004
Parnell, Barbara	5301 SW 19th St.	Plantation	FL	33317	8/11/2004
Patterson, Donna	4474 Viadelesbrisas	Scottsdale	AZ	85258	8/11/2004
Peak, Matthew	708 35th Ave.	San Francisco	CA	94121	8/11/2004
Pealer, Renate	3421 Dawn Dr.	Hamilton	OH	45011	8/15/2004
Pedone, Chris	2131 Gilpin St.	Denver	CO	80205	8/17/2004
Peeplez, Kelle	P.O. Box 1649	Perris	CA	92572	8/11/2004
Peltier, Michelle	13107 E. Button Rd.	Elk	WA	99009	8/20/2004
Pendry, Joseph	P.O. Box 3346	Freedom	CA	95019	8/11/2004
Perkins, Guy	220 Carville Cir.	Carson City	NV	89703	8/11/2004
Perlman, Eileen	9810 Zelzah Avenue Ste 112	Northridge	CA	91325	8/11/2004
Perrault, Claire	1185 20th St. #103	Key West	FL	33040	8/21/2004
Perry, Lisa	37117 Royal Oak Rd.	Fruitland Park	FL	34731	8/18/2004
Persico Lettiere, Paula	181 Powers St. Bsmt.	Brooklyn	NY	11211	8/20/2004
Perykasz, John	172 Read Ave.	Yonkers	NY	10707	8/15/2004
Pesteanu, Loretta	331 16th St., Apt. 1	Brooklyn	NY	11215	8/15/2004
Peters, John	3841 4th Ave.	San Diego	CA	92103	8/11/2004
Peterson-Hosto, Audrey	10350 Cyclone Ave.	Yuma	AZ	85365	8/21/2004
Phillips, Janice	5380 Brittainywood Rd.	Kernersville	NC	27284	8/20/2004
Phillips, Patricia	487 Wolcott Ave.	Kent	OH	44240	8/16/2004
Philp, Hilary	10809 Blix St., Unit 2	North Hollywood	CA	91602	8/11/2004
Piani, James	9485 Pinedale Cir.	Sandy	UT	84092	8/21/2004
Picken, Libby	15 East Eager St., Apt. 1F	Baltimore	MD	21202	8/17/2004
Pier, Italia	1914 Corinth Ave., Apt. 101	Los Angeles	CA	90025	8/11/2004
Pierce, Deborah	9182 Generations Dr.	Elk Grove	CA	95758	8/11/2004
Pierce, Sharon	120 Rosina Ave.	Modesto	CA	95354	8/15/2004
Pietrocarlo, Paul	18248 N 6th Dr.	Phoenix	AZ	85023	8/11/2004
Pike, Nancie	8435 Geyser Ave.	Northridge	CA	91324	8/11/2004
Pilgrim, Doug	2299 NE Goldenrod Cir.	Bremerton	WA	98311	8/21/2004
Pirkhl, Mike	8566 Calabash Ave.	Fontana	CA	92335	8/11/2004
Pitkin, Peter	1411 Enchanted Way	San Mateo	CA	94402	8/19/2004
Pitt, Terry	5726 NE Detroit Ave.	Kansas City	MO	64119	8/17/2004
Pizano, Luis	1939 Senate St.	St. Louis	MO	63118	8/17/2004
Pohorylo, Erast	2134 Haven Rd., Apt F	Wilmington	DE	19809	8/15/2004
Polacsek, Alyssa	224 E. 21st. St.	New York City	NY	10010	8/18/2004
Polesky, Alice	890 Kansas St. Apt. 4	San Francisco	CA	94107	8/11/2004
Pollack, Jerry	10438 Las Lunitas	Tujunga	CA	91042	8/11/2004

Pollan, Jeffrey	32 Wildwood Gardens Apt. G2	Port Washington	NY	11050	8/15/2004
Pollock, Michele	107 Vesey Street	Brockton	MA	02301	8/16/2004
Polsky, David	1102 Rosario Dr.	Topanga	CA	90290	8/11/2004
Porter, Candice	13419 W. 126th Pl.	Overland Park	KS	66213	8/22/2004
Porter, Dereck	9261 Lime Circle	Cypress	CA	90630	8/11/2004
Porter, Sandra	4320 5th Ave. N	Saint Petersburg	FL	33713	8/18/2004
Potter, Diane	1905 Laurel Park Highway	Hendersonville	NC	28739	8/18/2004
Powdrell, Laura L.	332 Jessica Way	Northbridge	MA	01534-2101	8/22/2004
Powers, Michael	5601 E. Holmes St.	Tucson	AZ	85711	8/11/2004
Powers, Regina	3309 Sollers Point Road	Baltimore	MD	21222	8/17/2004
Preece, Shawna	P.O. Box 353	Brandenton	FL	34206	8/21/2004
Preuss, G.	405 Ruth St.	Bridgeport	CT	06606	8/19/2004
Price, David	P.O. Box 163	Bryn Mawr	CA	92318	8/11/2004
Prive, Melissa	13 N. Main St. Apt. 2	Waterbury	VT	05676	8/20/2004
Proe, Steve	P.O. Box 94	Greenwood	CA	95635	8/11/2004
Proksch, Veronica	104 W Lowe Ave.	Fairfield	IA	52556	8/15/2004
Quaid, Kerey	37703 2nd St.	Fremont	CA	94536	8/16/2004
Quaid, Nicole	1551 Echo Park Ave. #301	Los Angeles	CA	90026	8/11/2004
Quandt, Cathleen	2413 C 5th St.	Berkley	CA	94710	8/11/2004
Quartararo, Lisa	159 Archangela Ave.	Colonia	NJ	07067	8/15/2004
Quig, Alec	60580 Gentle Run Ct.	South Bend	IN	46614	8/19/2004
Quijano, Sigfrido	185 Rue Berlioz	Montreal	PQ		8/17/2004
Raba, Eric	4225 Inglewood Blvd., Apt. 306	Los Angeles	CA	90066	8/11/2004
Racine, Bob	1643 W. 5th St.	Mesa	AZ	85201	8/12/2004
Racz, Andrew	Box H183 Lehigh University	Bethlehem	PA	18015	8/18/2004
Raich, Katie	5700 N. Tamiami Trail Box 238	Sarasota	FL	34243	8/18/2004
Rakotz, Jenelle	1022 Summit Avenue	South St. Paul	MN	55075	8/20/2004
Ramirez, Julie	19264 Lowell Ave.	Hayward	CA	94541	8/17/2004
Rao, Sharon	8622 W. Davis Rd.	Peoria	AZ	85382	8/11/2004
Raper, Connie	2614 Woodmont Dr.	Durham	NC	27705	8/19/2004
Rasche, Sandra	P.O. Box 116	Ruth	CA	95526	8/11/2004
Rasey, Karen	426 W. Cottonwood Ln., Lot 9	Casa Grande	AZ	85222	8/11/2004
Rashkind, Jennifer	39010304 Keys Complex	Gainesville	FL	32612	8/21/2004
Ratliff, Jeremy	1465 West 78th Circle	Denver	CO	80221	8/22/2004
Ray, Michelle	7507 Moredale Rd.	Louisville	KY	40222	8/21/2004
Redenbach, Christy	718 Springlake Rd.	Lawrenceville	GA	30045	8/21/2004
Reed, Lisa	P.O. Box 295	Green Valley	AZ	85622	8/16/2004
Reese, Jameala	603 Brentwood Pl.	Brandon	FL	33511	8/22/2004
Reese, Marianne	42870 Via Oporto	Fremont	CA	94539	8/17/2004
Reese, Rebecca	2512 Custer Ave.	Odessa	TX	79761	8/19/2004

Reeves, Connie	P.O. Box 7724	Lakeland	FL	33807	8/21/2004
Reeves, Kathleen	3593 Asperwood Circle	Coconut Creek	FL	33073	8/21/2004
Refsell, Nadine	5960 Stoneridge Dr., Ste 206	Pleasanton	CA	94588	8/11/2004
Regan, John	11 russell Rd.	Winchester	MA	01890	8/20/2004
Regenery, Lynn	1957 Prestwick Ln.	Wilmington	NC	28405	8/21/2004
Regrave, Denise	3310 Longleaf Ct.	Tallahassee	FL	32310	8/17/2004
Rehfuss, Tom	706 Wellington Sts.	Sparta	Wi	54656	8/19/2004
Reich, Heather	21980 Victory Dr.	Hayward	CA	94541	8/17/2004
Reilly, Peter	1555 Mill Race Lane	West Chester	PA	19380	8/21/2004
Reinbold, Gary	1301 N. Dearborn #604	Chicago	IL	60610	8/18/2004
Reisert, James	7 Charlemonte Court	North Chelmsford	MA	01863	8/21/2004
Rentschler, Dennis	P.O. Box 2168	West Dover	VT	05356	8/15/2004
Reynolds, Janet	7435 Walling Ln.	Dallas	TX	75231	8/20/2004
Ricci, Scott	588 E. San Lorenzo Rd. # 202	Palm Springs	CA	92264	8/11/2004
Ricciardi, H.	Woodview Dr.	Brookfield	CT	06804	8/23/2004
Rice, Jan	P.O. Box 454	Cazadero	CA	95421	8/21/2004
Rich, Dana	3425 19th St., Apt. 8	San Francisco	CA	94110	8/16/2004
Rich, Ruth	1733 South Holt	Los Angeles	CA	90035	8/11/2004
Richards, Loretta	25431 N 63rd Dr.	Glendale	AZ	85310	8/11/2004
Richardson, Colleen	405 Leibrandt Ave., Apt 1	Santa Cruz	CA	95060	8/11/2004
Richman, Heather	333 Castle Dr.	Santa Cruz	CA	95065	8/11/2004
Rickard, James	12341 Colinstone Pl.	Glen Allen	VA	23059	8/15/2004
Rickert, Odette	18311 Las Cumbres Rd.	Los Gatos	CA	95033	8/11/2004
Rico, Carmen	185 Rue Berlioz	Montreal	H3E1C1		8/11/2004
Ridolfi, Paula	380 Rector Pl. Apt. 24b	New York	NY	10280	8/21/2004
Rini, Thomas	7018 E. Elbow Bay Dr.	Tucson	AZ	85710	8/11/2004
Riordian, Kim	650 Mt. Vernon Pl.	Batavia	IL	60510	8/21/2004
Rivera, Jason	11277 Sardis Ave.	Los Angeles	CA	90064	8/11/2004
Roberts, Jan	804 E Clubhouse Ln.	Queen Creek	AZ	85242	8/15/2004
Robison, Anne	14633 McCormick St.	Sherman Oaks	CA	91411	8/11/2004
Roche, Lauretta	265 S. Main St.	Flemington	NJ	08822	8/16/2004
Roche, Robert	16 Newton Ln.	Trumbull	CT	06611	8/21/2004
Rodgers, Julie	7406 NE 145th Pl.	Kenmore	WA	98028	8/15/2004
Rodriguez, Carol	22798 Av. San Luis	Woodland Hills	CA	91364	8/17/2004
Roed, Ingrid	3964 20th St.	San Francisco	CA	94114	8/11/2004
Roeder, Carol	2928 Peach Tree Rd.	Fallon	NV	89406	8/11/2004
Rogers, Charlotte	513 E. Abriendo Ave.	Pueblo	CO	81004	8/11/2004
Rogers, Margaret	15420 La Miranda Blvd., Unit 204	La Miranda	CA	90638	8/11/2004
Rogers, Susan	129 N. Swall Dr.	Los Angeles	CA	90048	8/21/2004
Roka, Rutham	648 Circlewood Dr.	Venice	FL	34293	8/18/2004

Rolsky, Robert	9940 E. Mariposa Grande Dr.	Scottsdale	AZ	85255	8/11/2004
Romenro, Dottie	23644 Via Delicia	Valencia	CA	91355	8/11/2004
Romesburg, Denise	7326 N. 21st. Ave.	Phoenix	AZ	85021	8/11/2004
Root, Charlene	8634 Friends Ave.	Whittier	CA	90602	8/11/2004
Root, William	2022 E 5th St.	Tucson	AZ	85719	8/15/2004
Rorke-Davis, Shawn	303 E. Orange Dr.	Phoenix	AZ	85012	8/11/2004
Rose, Pandora	434 Creelman Ln.	Ramona	CA	92065	8/11/2004
Rosellini, Sandy	645 Maybell Ave.	Palo Alto	CA	94306	8/19/2004
Rosenberg, Jeanne	1844 Harbinson Canyon Rd.	El Cajon	CA	92019	8/16/2004
Rosenblum, Michael	651 west 70th st.	Kansas City	MO	64113	8/21/2004
Rosenkrantz, Stewart	2319 SE 9th St.	Pompano Beach	FL	33062	8/15/2004
Rosenthal, Ann	1138 Alice St.	Davis	CA	95616	8/11/2004
Rosenthal, Carol	6248 Morella Ave.	North Hollywood	CA	91606	8/11/2004
Ross, Claudia	3135 Redcoat Ln.	Sacramento	CA	95827	8/11/2004
Ross, Margaret	705 E. Park Dr.	Payson	AZ	85541	8/11/2004
Ross, William	1111 N. Crabtree Ln.	Mount Prospect	IL	60056	8/11/2004
Rothman, Marisa	701 Ocean Ave. #201	Santa Monica	CA	90402	8/11/2004
Routson, Diane	P.O. Box 140006	Toledo	OH	43614	8/22/2004
Rowe, Vicki	3132 Auburn Rd.	Bloomington	IL	61704	8/21/2004
Rowley, Sean	P.O. Box 94	Fabius	NY	13063	8/21/2004
Rowley, Sean	P.O. Box 94	Fabius	NY	13063	8/21/2004
Royce-Wilder, Carol	445 28th Ave.	Venice	CA	90291	8/11/2004
Rueda, Kristy	109 Endicott St.	Boston	MA	02113	8/18/2004
Ruggles, Suzanne	P.O. Box 546	Westhampton	NY	11977	8/20/2004
Rumple, Pamela	9743 W. 85th St., Apt A	Overland Park	KS	66212	8/15/2004
Rush, Charlene	100 Anderson St., Apt 541	Pittsburgh	PA	15212	8/11/2004
Rush, George	8260 Via Urner Way	Bonsall	CA	92003	8/16/2004
Rushing, Laura	11160 Jollyville Rd., #2-438	Austin	TX	78759	8/21/2004
Russell, Dorothy	P.O. Box 908	Lamar	CO	81052	8/16/2004
Ryan, Amy	24 Crossings Circle, Apt. D	Boynton Beach	FL	33435	8/18/2004
Sabroso, Maryann	9671 Hawaiian Summer St.	Las Vegas	NV	89123	8/18/2004
Sacks, Ivy	11525 SW 212th Pl.	Vashon	WA	98070	8/11/2004
Sadowski, Joan	11 Wilton Dr.	Wilmington	MA	01887-2	8/15/2004
Sakamoto, Diane	98-2061 Kaahumnu St. Apt C	Aiea	HI	96701	8/18/2004
Sakoda, Fumiko	P.O. Box 104	Rosston	OK	73855	8/20/2004
Saltanis, Peter	326 Moose Hill Rd.	Monroe	CA	06468	8/11/2004
Samide, Brenda	160-55 99th St.	Howard Beach	NY	11414	8/15/2004
Samuels, Harold	5659 Ramara Ave.	Woodland Hills	CA	91367	8/11/2004
Sander, Erik	1856 W. North Ave., Apt. 3 F	Chicago	IL	60622	8/18/2004
Sanders, Gary	3980 Bibbits Dr.	Palo Alto	CA	94303	8/11/2004

Sanders, Richard	2022 Driftstone Dr.	Glendora	CA	91740	8/16/2004
Sandle, Susanna	5719 Dalton Dr.	Farminton	NY	14425	8/19/2004
Sanner, Michele	4868 Bruges Ave.	Woodland Hills	CA	91364	8/11/2004
Santangelo, Elaine	8470 E. Foothill St.	Anaheim	CA	92808	8/11/2004
Santivong, Richard	628 W. Newmark Ave.	Monterey Park	CA	91754	8/11/2004
Saravanan, Bhavani	455 Hope St., #3F	Stamford	CT	06906	8/19/2004
Sargent, Robert	320 Main St.	Salem	NH	03079	8/21/2004
Sario, Terry	4666 N. 19th Ave.	Phoenix	AZ	85015	8/11/2004
Savage, Robin	P.O. Box 1523	Exmore	VA	23350	8/19/2004
Sawicki, Jeannine	11026 Jordan Ct.	Parker	CO	80134	8/16/2004
Sayer, Kyeann	2274 Hidalgo Ave.	Los Angeles	CA	90039	8/11/2004
Schaefer, Erica	739 21st. St.	Hermosa Beach	CA	90254	8/21/2004
Schaeffer, Dieter	1106 W. Circulo Del Sur	Green Valley	AZ	85614	8/18/2004
Schaffel, Susan	11105 Bexley Ln.	Austin	TX	78739	8/19/2004
Schechter, Andy	4 Tunison Close	Hillsborough	NJ	08844	8/23/2004
Scheffler, Ann Marie	P.O. Box 4730	Crestline	CA	92325	8/11/2004
Scheppler, Trisha	1415 Palm Dr.	Burlingame	CA	94010	8/17/2004
Schneider, Gregory	540 Edgar Rd.	Westfield	NJ	07090	8/15/2004
Schoenberg, Leslie	208 April Ave.	Vernon Hills	IL	60061	8/19/2004
Schoene, Clare	1519 Oak St.	Santa Monica	CA	90405	8/18/2004
Schoene, Elizabeth	1519 Oak St.	Santa Monica	CA	90405	8/16/2004
Schou, Per	8907 Sommerland Way	Austin	TX	78749	8/18/2004
Schubert, Amanda	P.O. Box 135	Farmington	WA	99128	8/11/2004
Schuessler, Gail	2025 E 3rd St.	Tucson	AZ	85719	8/17/2004
Schulte, Peggy	6034 N. Marmora Ave.	Chicago	IL	60646	8/20/2004
Schultz, Kenneth	6161 E 4th St.	Tucson	AZ	85711	8/11/2004
Schulze, Carolyn	35840 Los Coyotes Rd.	Lake Elsinore	CA	92530	8/11/2004
Schwab, Diana	1027 9th St., Apt 5	Santa Monica	CA	90403	8/11/2004
Schwager, Kathy	14 Weidner Ln.	Patchogue	NY	11772	8/22/2004
Sciacca, Barbara	P.O. Box 4853	Cave Creek	AZ	85327	8/11/2004
Scrivner, Paul	6433 W. 82nd Street	Los Angeles	CA	90045	8/15/2004
Sears, Michael	404 N. 2nd, St. #1	San Jose	CA	95112	8/11/2004
Seider, John	21 Grand St.	Oneonta	NY	13820	8/11/2004
Seki, Leslie	2680 Butler Ave.	Los Angeles	CA	90064	8/11/2004
Semel, John	200 E. 66th Street # A 303	New York City	NY	10021	8/20/2004
Shafer, Shana	1200 Jeanette Ave.	Union	NJ	07083	8/15/2004
Shapiro, Sid	10957 Elderwood Ln.	San Diego	CA	92131	8/11/2004
Sharer, Deborah	3907 Giboz Rd.	Marshville	NC	28103	8/18/2004
Shawvan, Jim	2260 El Cajon Blvd. #890	San Diego	CA	92104-1	8/22/2004
Shea, Cheli	52960 Avenida Alvarado	La Quinta	CA	92253	8/11/2004

Shellenberger, Matthew	1201 Dupont St.	Bellingham	WA	98225	8/20/2004
Shepherd, Kila	2913 Juanipero Way	Medford	OR	97504	8/11/2004
Sherba, Kim	99 Pearl Ave.	Johnson City	NY	13790	8/22/2004
Shippy, Jane	517 Fieldcrest Ave.	Stevens Point	WI	54481	8/17/2004
Shirar, Gloria Jean	1015 Harrison St.	Bristol	PA	19007	8/19/2004
Shomer, Clare	834 S. Longwood Ave.	Los Angeles	CA	90005	8/11/2004
Short, Lee A.	7858 Gatehouse Dr.	Houston	TX	77040	8/21/2004
Shpiller, Natasha	1240 W. Farwell # 2A	Chicago	IL	60626	8/18/2004
Shurman Phd, Susan	11 Hovey St.	Quincy	MA	02171	8/11/2004
Siegel, Charles	2140 Shattuck ave., Ste. 2122	Berkley	CA	94704	8/11/2004
Siepker, Paul	144 Northpointe Dr.	Mountain Home	AR	72653	8/16/2004
Siewart, Barbara	5601 W. Cambridge Ave.	Phoenix	AZ	85035	8/17/2004
Sikorski, Taryn	8102 Dunn St. #A	Austin	TX	78745	8/22/2004
Siladie, Shirah	251 Westview Ave.	Columbus	OH	43214	8/20/2004
Silan, Sheila	6600 Summerhill Rd.	Somerset	CA	95684	8/11/2004
Silva, Adam	237 Clay Dr.	Seven Points	TX	75143	8/19/2004
Sims, Kate	2732 Greenwood	Whichita	KS	67216	8/22/2004
Sislin, Leno	2240 Ben Lomond Dr.	Los Angeles	CA	90027	8/11/2004
Sisson, Karen	1291 Cheney Hwy Apt. F	Titusville	FL	32780	8/16/2004
Skidmore, Michael	6161 N. Sheridan Rd., 1B	Chicago	IL	60660	8/11/2004
Skudney, Dennis	17211 E. Baca Dr.	Fountain Hills	AZ	85268	8/11/2004
Slawson, Camly	1023 Judah St.	San Francisco	CA	94122	8/16/2004
Sloan Freel, Elizabeth	11872 Bray St.	Los Angeles	CA	90230	8/17/2004
Slonim, Tracey	19792 Gloucester Ln.	Huntington Beach	CA	92646	8/11/2004
Smith, Charles	368 Avenida Arboles	San Jose	CA	95123	8/17/2004
Smith, Deborah	3044 NW 30th St.	Oklahoma City	OK	73112	8/21/2004
Smith, Holly	14438 Jones Maltsberger	San Antonio	TX	78247	8/22/2004
Smith, Judith	2712 Grande Vista Ave.	Oakland	CA	94601	8/11/2004
Smith, Julie	1048 Bay Oaks Dr.	Los Osos	CA	93402	8/11/2004
Smith, Marie	1516 30th Ave.	Woodstock	MN	56186	8/18/2004
Smith, Matt	3007 Robin Hood Dr.	Greensboro	NC	27408	8/19/2004
Smith, Roger	2275 S. Bascorn Ave., Apt. 211	Campbell	CA	95008	8/11/2004
Smith, Scott	1616 Monte Vista Ave.	Claremont	CA	91711	8/11/2004
Smith, Tracy	130 Harbour Dr.	Dawsonville	GA	30534	8/19/2004
Snyder, Clarice	6248 E. Waltann Lane	Scottsdale	AZ	85254	8/11/2004
Snyder, Renee	16922 Kinzie Street	Northridge	CA	91343	8/11/2004
Sobanski, Sandy	110 1st St., Apt. 3	Hoboken	NJ	07030	8/18/2004
Sobel, Marilyn	329 Haverford Place	Swarthmore	PA	19081	8/17/2004
Soifer, Robin	P.O. Box 2921	Crested Butte	CO	81224	8/19/2004
Solem, Sue Anne	310 Umsted Dr.	Chapel Hill	NC	27516	8/23/2004

Soza, Valerie	500 NW 60th St., Apt. 1	Seattle	WA	98107	8/11/2004
Spangler, Steven	7048 Cinnamon Teal Way	El Dorado Hills	CA	95762	8/11/2004
Spears, Nancy	15 Southgate Dr.	Bossier City	LA	71112	8/19/2004
Spencer, Lyle	Box 632	Calvert City	KY	42029	8/16/2004
Speranza, Marianne	5717 Concord Commons Dr.	Dayton	OH	45459	8/23/2004
Spitler, Dusty	242 S. Pleasant St.	Prescott	AZ	86303	8/11/2004
Spitz, Marlene T.	1525 So. Cape Verde Pl.	Tucson	AZ	85748	8/11/2004
Spivak, Howard	6825 Will Rogers Dr.	Fair Oaks	CA	95628	8/15/2004
Springsteen, Kathleen	10884 West Kl Ave.	Kalamazoo	MI	49009-9	8/19/2004
Spruse, Victoria	156 Vacation Lane	Waveland	MS	39576	8/17/2004
Srygley, Jane	317 E. Walnut St.	Allentown	PA	18109	8/22/2004
St. Gerard, Judy	151 Park Ave., Apt 203	Monterey	CA	93940	8/11/2004
Stacey, Julie	P.O. Box 6775	Jackson	WY	83002	8/18/2004
Staelens, Bethany	3301 29th St.	Long Island City	NY	11106	8/18/2004
Stahl, Charlotte	2700 W. Powell Blvd., Apt D 231	Gresham	OR	97030	8/18/2004
Stallibrass, Bernice	P.O. Box 1364	High Springs	FL	32655	8/21/2004
Stallone, Elizabeth	248 Vista Dr.	Cedar Knolls	NJ	07927	8/18/2004
Stamer, Joy	3321 Winlock Rd.	Torrance	CA	90505	8/11/2004
Starr, Julie	664 Miller Ave.	South San Francisco	CA	94080	8/18/2004
Stebler, Timothy	2834 Mark Cir.	Stillwater	OK	74075	8/11/2004
Steele, Karen	2150 Temple Cir.	Eureka	CA	95503	8/11/2004
Steffan, William	1085 Rancho Santa Fe Rd.	Olivenhaim	CA	92024	8/11/2004
Steger, Ralph & Laura	19551 Aldbury St.	Canyon Country	CA	91351	8/22/2004
Stemig, Kathie	900 Loma Dr.	Hermosa Beach	CA	90254	8/11/2004
Stevens, Kathleen	6114 W. 55th St, Unit 2	Chicago	IL	60638	8/21/2004
Stewart, G.V.	381 Musser Ln.	Bellefonte	PA	16823	8/21/2004
Stewart, Glenn	3801 W. Temple Ave. Bio. Sciences Dept.	Pomona	CA	91768	8/18/2004
Stewart, Kate	P.O. Box 23	Monument	CO	80132	8/21/2004
Stewart, Renell	5264 S. Equestrian Ave.	Sierra Vista	AZ	85650	8/11/2004
Stewart, Richard	7882 13th St.	Westminister	CA	92683	8/16/2004
Stewart, Tom	564 Cardessa Ln.	Grant	AL	35747	8/16/2004
Stewart-Teitelbaum, Emma	26 Olmsted Rd., Apt. A	Stanford	CA	94305	8/16/2004
Stock, Melissa	2662 Bostonian Dr.	Los Alimitos	CA	90720	8/21/2004
Stoddard, David	3316 Kilkenny St.	Silver Spring	MD	20904	8/16/2004
Stoever, Veronica	1637 Santa Rosa Ave.	Glendale	CA	91208	8/11/2004
Stolfus, Christopher	1328 Rhode Island St.	Lawrence	KS	66044	8/21/2004
Storey, Amber	420 W. Baraga Ave. #2	Marquette	MI	49855	8/22/2004
Stout, Mary	904 Country Club Dr., Apt. A	Bloomsburg	PA	17815	8/21/2004
Strader, Shamane	P.O. Box 252	Smithville Flats	NY	13841	8/20/2004
Strange, Dana	3528 Jewett Ave.	Highland	IN	46322	8/20/2004

Stratmann, Johannes	105 South Mercer Dr.	Irmo	SC	29063	8/22/2004
Stratton, Robert	350 Minnewawa Ave., Apt 170	Clovis	CA	93612	8/11/2004
Stromberg, Judy	415 Silva Ave.	Eureka	CA	95503	8/11/2004
Strommer, Chelle	529 Market St. Apt 4-I	San Diego	CA	92101	8/11/2004
Stubblefield, Kerri	795 Ohleyer Rd.	Yuba City	CA	95993	8/11/2004
Stubblefield, Kerri	795 Ohleyer Rd.	Yuba City	CA	95993	8/11/2004
Stubbs Ph.D, Bruce	3425 Topeka St.	Carlsbad	CA	92008	8/11/2004
Sturza, Brett	5130 NW 49th St.	Redmond	OR	97756	8/18/2004
Stylianides, Claire	7575 Bately Ct. #11	Sebastopol	CA	95472	8/16/2004
Sulanke, Thom	6940 E Sr. 45	Bloomington	IN	47408	8/11/2004
Sullivan, A.	298 Creek St.	Wrentham	MA	02093	8/16/2004
Sullivan, Selina	5712 E. Fairmount St.	Tucson	AZ	85712	8/11/2004
Sultan, Linda	2614 Rock Dove Way	Elk Grove	CA	95758	8/11/2004
Summers, Paula	5132 Rabeneck Way	Fair Oaks	CA	95628	8/11/2004
Sunderland, Sandra	1943 W. Canada Hills Dr.	Tucson	AZ	85737	8/17/2004
Sutton, Rebecca	1548 Arch St.	Berkley	CA	94708	8/15/2004
Suzuki, Mika	22 Granada Dr.	Corte Madera	CA	94925	8/17/2004
Svensson, Peter	207 Harbor Dr.	Santa Cruz	CA	95062	8/22/2004
Svensson, Peter	207 Harbor Dr.	Santa Cruz	CA	95062	8/20/2004
Sventy, Robert	148 Oakwood Ave.	Edison	NJ	08837	8/17/2004
Swanson, Roberta	1414 S. Beverly Dr., #3	Los Angeles	CA	90035	8/14/2004
Sweeney, Deborah	17315 Kennedy Dr.	North Redington Beach	FL	33708	8/22/2004
Swensen, Ruth	2587 Daisy Ln.	Fallbrook	CA	92028	8/11/2004
Swenson, Patricia	713 Valley View Dr.	Allen	TX	75002	8/11/2004
Swope, Richard	8903 SW 178th Ter.	Village of Palmetto Bay	FL	33157	8/18/2004
Sylvester, Kyle	1116 High	Bremerton	WA	98337	8/19/2004
Szymanski, Debbie	1021 E. Sherri Dr.	Gilbert	AZ	85296	8/11/2004
Taggart, Carol	1705 Valparaiso Ave.	Menlo Park	CA	94205	8/17/2004
Takvorian, Lawrence	1241 Granite Road	San Marcos	CA	92069	8/17/2004
Tankenson, Ethel	4035 Meier St.	Los Angeles	CA	90066	8/11/2004
Tao, Jacqueline	23470 Coyote Springs Dr.	Diamond Bar	CA	91766	8/21/2004
Tava, Jennifer	23930 Harvard Shore Dr.	Saint Clair Shores	MI	48082	8/19/2004
Taylor, Alyson	2595 S. Bundy Dr.	Los Angeles	CA	90064	8/17/2004
Taylor, Cynthia	6172 Hwy. 8 S	Germantown	NC	27019	8/18/2004
Taylor, Debra	620 E 40th St.	Dover	OH	44622	8/17/2004
Taylor, J. Holley	5745 SW 75th St., #362	Gainesville	FL	32608	8/18/2004
Taylor, Judy	285 Linder Terrace	Fremont	CA	94536	8/11/2004
Taylor, Steven	1702 Pullman Ln.	Redondo Beach	CA	90278	8/18/2004
Teper, Shannon	1920 S. Palmetto Ave.	Flagler Beach	FL	32136	8/19/2004
Terry, Jody	22 Veneita Mdws.	San Rafael	CA	94903	8/17/2004

Thayer, Jeff	3073 Jemez Dr.	San Diego	CA	92117	8/11/2004
Theodore, Michael	24009 Ventura Blvd. Ste. 240	Calabasas	CA	91302	8/11/2004
Theodosiadis, Eva	443 Home Ave.	Staten Island	NY	10305	8/21/2004
Thomas, Patricia	1064 Genoa Ln.	Carson City	NV	89706	8/11/2004
Thompson, Tegan	5832 Homewood Ave.	Buena Park	CA	90621	8/16/2004
Thorson, Trina	6413 W. 77th St.	Los Angeles	CA	90045	8/19/2004
Thurgate, Nan	325 Searidge Rd., #1	Aptos	CA	95003	8/15/2004
Tiarks, Daniel	816 N. Hayworth Ave. #1	Los Angeles	CA	90046	8/11/2004
Toback, Norman	3243 Oakdell Rd.	Studio City	CA	91604	8/11/2004
Todd, Jan	12978 Byron Rd.	Nevada City	CA	95959	8/17/2004
Tollison, Denice	5417 W. Lake Rd.	Fredonia	NY	14063	8/23/2004
Tomasello, John	714 Samoa Ln.	Novato	CA	94947	8/11/2004
Toomey, Deidre	6306 Perry Rd.	Mebane	NC	27302	8/18/2004
Torres, Rebeca	23 Leatherstocking St.	Cooperstown	NY	13326	8/21/2004
Toth, Robert	6881 W. Greenbriar Dr.	Glendale	AZ	85308	8/11/2004
Towner, Linda	8114 Westlawn Ave.	Los Angeles	CA	90045	8/16/2004
Townsend, Annette	6653 Branch Estates Dr.	Olive Branch	MS	38654	8/18/2004
Trautman, Jamene	18881 Mora Kai Lane #32	Huntington Beach	CA	92646	8/11/2004
Travali, Ronna	17323 Caminito Canasto	San Diego	CA		8/21/2004
Travis, Annabelle	5926 Hillside Dr.	El Sobrante	CA	94803	8/11/2004
Trice, Keri	10201 NW 48 Manor	Coral Springs	FL	33076	8/11/2004
Trujillo, Rebecca	1608 N. Cahuenga Blvd. #1121	Hollywood	CA	90028	8/16/2004
Truman, Nancy	874 Manitou Ave.	Akron	OH	44305	8/15/2004
Truxel, Bess	15504 Greenway Rd.	Cleveland	OH	44111	8/19/2004
Tucker, Barbara	14155 Oro Grande St.	Sylmar	CA	91342	8/11/2004
Tuckman, Roy	3661 Regal Pl. Apt 5	Los Angeles	CA	90068	8/11/2004
Umano Jones, Georja	222 6th St., Unit D	Santa Monica	CA	90405	8/11/2004
Unger, Marylin	22205 Ho Springs Rd.	Desert Hot Spring	CA	92241	8/21/2004
Uplinger, Melvin	2009 N Nicole Ln., Apt. 205	Round Lake Beach	IL	60073	8/21/2004
Uschuk, Judith	327 Sawtelle	Tucson	AZ	85716	8/17/2004
Valentine, Victoria	310 Somerset P.O. Box 125	Norwich	KS	67118	8/19/2004
Valentino, Ronald	878 14th St., Apt. 201	San Francisco	CA	94114	8/11/2004
Vallario, Deb & Randy	Bolton St.	Manchester	CT	06040	8/20/2004
Van Ausdall, Marci	4532 Fertile Valley Rd.	Newport	WA	99156	8/21/2004
Van Ausdall, Marci	4532 Fertile Valley Rd.	Newport Beach	WA	99156	8/21/2004
Vance, Barbara	P.O. Box 92134	Pasadena	CA	91109	8/11/2004
Vandergraff, Teresa	100 Brentwood Circle, Apt B	Alexandria	KY	41001	8/22/2004
Vanderlaan, Kim	2006 Winwood Lane	Lakeland	FL	33813	8/18/2004
Vanderleelie, Roy	61536 Crest Circle Dr.	Joshua Tree	CA	92252	8/11/2004
Vandermeer, Denise	20511 Hatteras St.	Woodland Hills	CA	91364	8/17/2004

Vanderpool, Reba	2008 Avignon Pl.	Half Moon Bay	CA	94019	8/11/2004
Vandusen, Janice	1247 Marolf Dr.	Atalissa	IA	52720	8/21/2004
Vangi-Stern, Eva	54 Avenida Pastor	Rio Rico	AZ	85648	8/11/2004
Vanpelt, Freddie	10910 W. Coggins Dr.	Sun City	AZ	85351	8/11/2004
Varbol, Barbara	11220 Grandview	Overland Park	KS	66210	8/19/2004
Vardon, Gary	4216 Bannock Dr.	West Valley City	UT	84120	8/15/2004
Veillette, Sandra	111 Summit Rd.	Richmond	MA	01254	8/11/2004
Velasco, Stephen	1150 Kingston St.	Costa Mesa	CA	92626	8/11/2004
Ventriglia, Linda	439 Fullerton Ave.	Newport Beach	CA	92663	8/11/2004
Verner, Edward	13967 Marquesas Way, Slip 28	Marina Del Rey	CA	90292	8/16/2004
Verri, Laura	410 Milan Dr. #201	San Jose	CA	95134	8/22/2004
Verry, James	1580 N. Cheshire Dr.	Pueblo West	Co	81007	8/17/2004
Vestal, Ronald	20 Corte Alegre	Greenbrae	CA	94904	8/11/2004
Vichules, Eva	115 West Valboa Dr.	Tempe	AZ	85282	8/11/2004
Villarreal, Gian	8162 Richmond Ave. #606	Houston	TX	77063	8/17/2004
Villemaire, Genevieve	2504 Zuider Zee Circle	Elverta	CA	95626	8/11/2004
Vozoff, M.	10866 Wilshire Blvd. #1100	Los Angeles	CA	90024	8/11/2004
Vuyovich, Veronika	400 E. McConnell Dr. #59	Flagstaff	AZ	86001	8/16/2004
Waddell, Ashley Elizabeth	1864 Hill Dr.	Eagle Rock	CA	90041	8/11/2004
Waddell, Chris	2165 NE 187 St.	North Miami Beach	FL	33179	8/16/2004
Wahl, Nancy	12710 Green Mountain Way	Granite Falls	WA	98252	8/18/2004
Waldner, Mark	3531 Greensward Rd.	Los Angeles	CA	90039	8/17/2004
Walker, Dana	1604 A Dekalb Ave.	Atlanta	GA	30307	8/20/2004
Walker, Grace	3555 A 17th St.	San Francisco	CA	94110	8/11/2004
Wallace, Julia	60 Ramona Ave.	San Francisco	CA	94103	8/11/2004
Wallack, Shirley	P.O. Box 1115	Kenwood	CA	95452	8/20/2004
Walters, Kirsten	2170 Dalton Dr.	Eugene	OR	97404	8/21/2004
Walton, Joyce	1634 Tyler St.	Berkley	CA	94703	8/15/2004
Ward-Stalnaker, Nicole	980 Bush St., Apt. 500	San Francisco	CA	94109	8/11/2004
Warenycia, Dee	104 Stratford Ct.	Roseville	CA	95661	8/17/2004
Warren, Hal	P.O. Box 1661	Freedom	CA	95019	8/11/2004
Weaver, Sandy	1472 Tonto Dr.	Bullhead City	AZ	86442	8/22/2004
Webb, John	10869 Wells Ave.	Riverside	CA	92505	8/11/2004
Weber, Annie	3701 B Pemberton Ave.	Richmond	VA	23222	8/21/2004
Weber, Jim	8309 Willheather Glen	Austin	TX	78750	8/15/2004
Weber, Marc	14 Blue Willow Ln.	New City	NY	10956	8/21/2004
Weber, Ted	222 Main St., Apt 160 Annapolis	Annapolis	MD	21401	8/19/2004
Weisz, Russell	319 Laguna St.	Santa Cruz	CA	95060	8/11/2004
Wells, Peggy	1803 S. Washington St.	Denver	CO	80210	8/18/2004
Welter, Christopher	2920 Basswood St. #118	Denver	CO	80260	8/20/2004

Wendt, Diana	910 Carlson Ave.	Oakland	CA	94610	8/15/2004
West, Jeffrey	310 Pitney Lane Space #34	Junction City	OR	97448	8/22/2004
West, Robin	15 Patterson Ave.	Menlo Park	CA	94025	8/11/2004
Whaley, Richard &Susan	4334 Liberty Bell Ct.	Eureka	CA	95503	8/21/2004
Whatley, Marsha	2916A Old Marksville Hwy.	Pineville	LA	71360	8/20/2004
Wheatley, Benjamin	10 Sheridan Cir.	Wellesley	MA	02481	8/20/2004
White, Deborah	2125 Peterson Ln.	Santa Rosa	CA	95403	8/12/2004
Wiener, Steven	4782 La Villa Marina Unit D	Marina Del Rey	CA	90292	8/19/2004
Wikle, Victoria	P.O. Box 151	Villa Grande	CA	95486	8/11/2004
Wilcox-Kahler, Leslee	65 Rose Valley Rd. #65	Wallingford	PA	19086	8/17/2004
Wiley, Carol	15457 el camino	Victoville	CA	92392	8/12/2004
Wilford, Barb	3152 Patty Ln.	Middleton	WI	53562	8/20/2004
Williams, Roxane	32009 Hysell Run Rd.	Pomeroy	OH	45769	8/21/2004
Willis, Jessica	2020 Damuth St. #3	Oakland	CA	94602	8/11/2004
Wilson, Thaddeus	10136 Dafne Ln.	San Diego	CA	92124	8/15/2004
Winter, Jennie	815 A Belmont Ave.	Belmont	CA	94002	8/11/2004
Winterhalter, Aaron	197 Edwin Dr.	Vacaville	CA	95687	8/15/2004
Witherington, Katherine	116 Apache Lane	Sedona	AZ	86351	8/18/2004
Wojtalik, Alan	3723 Green Oak Ct.	Parkville	MD	21234	8/21/2004
Wolf, Danielle	11127 B Fairhaven Ct.	Faifax	VA	22030	8/17/2004
Wolf, Jennifer	P.O. Box 472	Cardiff	CA	92007	8/22/2004
Wolf, Nancy	2401 Wallace Ave.	Louisville	KY	40205	8/21/2004
Wolff, Vicky	1179 Wildflower Ct.	St. Augustine	FL	32086	8/21/2004
Woller, Wendy	1123 E Colby St., Apt 516	Whitehall	MI	49461	8/22/2004
Wolverton, Karen	170 Brownsburg Rd.	Newtown	PA	18940	8/21/2004
Wood, Carol	362 West 260th St.	Bronx	NY	10471	8/15/2004
Wood, Sarah	532 2nd St.	Lemont	IL	60439	8/21/2004
Woodman, Jean	1501 Ashland Ave.	Evanston	IL	60201	8/20/2004
Woods, Bonnie	12385 Creek Crest Rd.	Reno	NV	89511	8/11/2004
Woods, Donna	2319 Oxford Dr.	Kannapolis	NC	28081	8/19/2004
Workman, Debra	1135 Waterford Forest Cir.	Cary	NC	27513	8/18/2004
Worth, Carla	19315 195th Ave.	Big Rapids	MI	49307	8/11/2004
Wouk, Nina	1259 El Camino Real # 215	Menlo Park	CA	94025	8/11/2004
Wright, Diana	4144 Summers Ln.	Klamath Falls	OR	97603	8/21/2004
Wright, Kimberly	18796 Caminito Cantilena, Apt 136	San Diego	CA	92128	8/11/2004
Wright-Kaiser, Carol	8202 Railroad St.	Stinesville	IN	47464	8/16/2004
Wu, Molly	964 Buckeye Dr.	Sunnyvale	CA	94086	8/11/2004
Yablong, Naomi	2912 W. Morse Ave.	Chicago	IL	60645	8/11/2004
Years, Patricia	2155 S Ocean Blvd. #18	Delray Beach	FL	33483	8/17/2004
Yocklovich, Evelyn	101 Maple St, P.O. Box 105	Mount Gretna	PA	17064	8/22/2004

York, Mark	10799 Sherman Grove Ave., Spc 39	Sunland	CA	91040	8/11/2004
York, Pam	31729 Mayfair Lane	Beverly Hills	MI	48025	8/20/2004
Young, JoEllen	10752 Garfield Ave.	Culver City	CA	90230	8/18/2004
Youngren, Marguerite	14 Blueberry Hill Rd.	Medway	MA	02053	8/19/2004
Yung, Jackie	590 W. Hills Way NW	Salem	OR	97304	8/20/2004
Zaino, Liza	6 Beaumont St.	Melrose	MA	02176	8/11/2004
Zaitlin, Linda	88 Pinnacle Rd.	Harvard	MA	01451	8/21/2004
Zichittella, Richard	303 Market St., Apt. 527	San Diego	CA	92101	8/11/2004
Ziemer, Theresa	1099 Denali Rd.	Elburn	IL	60119	8/23/2004
Zimny, Gloria	69641 Parker	Richmond	MI	48062	8/19/2004
Zimny, Heather	69641 Parker St.	Richmond	MI	48062	8/20/2004
Zlevor, Jo-Anne	718 Goold St.	Racine	WI	53402	8/16/2004
Zoldak, Loretta	729 Jeran Dr.	Dallas	TX	75217	8/18/2004
Zoller, Kristel	2023 Windsong Trl.	Round Rock	TX	78664	8/19/2004
Zulick, David	28 Myrtle St.	Cranford	NJ	07016	8/15/2004